

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JANUARY 31, 2006**

6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
Carl Masler  
Bill Stewart  
Alternate – Lance Muir

Absent: James Ormiston

Guests: Michael Geiger, Bart Piersimoni, Clay Ambrose, Dave Shoen, Sue Szewczyn, Sylvie Farr, John Farr, Steve Hoffmann, Janieni Altilio, Gerald Altilio, Myron Szewczyk, Donna Wren, Kathy Tarshus, Jamie Gensel, Thomas Wren, Art Ambrose, Hank Cesari, John Hunter, Tony & Laurie Speciale, Dave Kost

Staff: Dean Frisbie, Maureen Harding, Chuck Coons

**AGENDA**

The Board agreed to proceed with the agenda as modified.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of January 10, 2006. Piersimoni made a motion to accept and approve the minutes of January 10, 2006, seconded by Muir. All were in favor, motion carried.

**GEIGER ESTATES SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #47.04-2-55.1**

Maureen Harding, Director of Planning, stated that an engineering report from Fagan Engineers was received at the close of the day; therefore, she recommends that the Board table the decision until the report can be reviewed and comments received from the Big Flats Public Works Commissioner.

The applicant was present and was duly notified of the tabling of this application. Coons commented that the Engineering Report was not specific to Geiger's subdivision request. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P3-2006  
GEIGER ESTATES SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #47.04-2-55.1**

Resolution by: Esty  
Seconded by: Masler

WHEREAS this Board has received an application from Michael F. Geiger, owner of tax parcel #47.04-2-55.1, for subdivision approval of this 28.001 acre parcel as shown on a survey map by Weiler Associates, Job Number 11198.04, dated November 2, 2005;

AND WHEREAS the parcel is located on a private drive, namely Geiger Way, off Liberty Way in the Rural (RU) district;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel 1 being 3.0 acres containing a single family dwelling and appurtenances,
- Parcel 2 being 25.001 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is three acres;

AND WHEREAS Parcel 2 will provide a right-of-way to Parcel 1 for access to Liberty Way;

AND WHEREAS the Chemung County Health Department, in correspondence dated January 9, 2006, stated no objection to this application;

AND WHEREAS pursuant to Resolution P96-2005, the *applicant* has provided a copy of both deeds identifying the right-of-way dedicated to parcel 1;

AND WHEREAS an Engineering Report received from Fagan Engineers, dated November 21, 2006;

THEREFORE BE IT RESOLVED that this application be tabled pending review and comment by the Town Public Works Commissioner on the Engineering Report submitted by Fagan Engineers on behalf of an adjoining property owner.

CARRIED: AYES: Young, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**COMMERCIAL NET LEASE  
RESTAURANT SITE PLAN AMENDMENT  
PRELIMINARY PLAN  
TAX PARCEL # 58.03-1-53.2**

Chuck Coons, Director of Building Inspection and Code Enforcement, commented that there was a preliminary submission by the applicant with changes. Most of the changes were code related. The applicant has extended the easement to the east property line. Fleisher asked Coons to explain the parking change. Coons explained that there were parking spaces added behind the retail building. In answer to Masler's question concerning truck turn around, Coons replied that there is plenty of room for truck movement. Esty asked if the added parking spaces would require additional impervious surface. Coons replied that the site plan is still within the allowable lot coverage.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P4-2006  
COMMERCIAL NET LEASE  
RESTAURANT SITE PLAN AMENDMENT  
CONCEPT PLAN  
TAX PARCEL # 58.03-1-53.2**

Resolution by: Muir  
Seconded by: Stewart

WHEREAS this Board has received an application from Commercial Net Lease Realty Services, Inc., owner of tax parcel #58.03-1-53.2, for Site Plan Amendment approval for a modification to an approved site plan as shown on a drawing by Bohler Engineering, Project No. BO40601 dated 1/12/06, revised 1/24/06;

AND WHEREAS the property is located on County Route 64, east of Chambers Road in the Business Regional (BR) district and the development is commonly known as the Target/Best Buy development;

AND WHEREAS site plan approval was granted pursuant to Resolution P44-2005, dated July 5, 2005, for a retail center and 5000 square foot restaurant, and the applicant is requesting approval for modification of the approved site plan as follows:

- Construction of a 7500± square foot restaurant instead of 5000 square feet,
- Construction of additional parking spaces,
- Relocation of the eastern most drive,
- Relocation of the cross access easement area;

AND WHEREAS this project was reviewed pursuant to SEQRA as an Unlisted Action and a Negative Declaration was issued, and this amendment request continues to be an Unlisted Action and will be reviewed under the same;

AND WHEREAS there are no proposed changes to utilities or the Stormwater Management Plan;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED for environmental review purposes, this Board finds that there are no adverse impacts created by this modification to the site plan, and pursuant to SEQRA this Board reaffirms the Negative Declaration previously issued;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

CARRIED: AYES: Piersimoni, Masler, Muir, Fleisher, Esty, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**THE TIRE CENTER  
CONCEPT SITE PLAN  
TAX PARCELS #58.03-1-58 & 59**

Prior to approving the concept plan the Board discussed with the applicant and their representatives the following:

**Parking:**

Younge questioned the request for 91 parking spaces, considering that the maximum number permitted by code is 47. David Kost, the applicant, replied that the reason for the additional parking spaces is that this would be one of their larger facilities. It would contain 14 service bays and would be working with a couple of dealerships. This location would require 15 parking spaces for the employees, leaving 32 parking spaces for retail customers and for the drop offs and pickups.

Fleisher questioned the 25 parking spaces for individual customers at any one time. Kost replied. Not at any one time. We figure that half of the customers would drop off the cars from 8 a.m. to noon or noon to 5 p.m. The other half may want service immediately, which should take approximately an hour and a half.

Younge asked if they plan to service any vehicles larger than a car. Kost replied, no. Younge asked if the facility is ever going to be used for storage. Kost replied, no.

Stewart commented that the facility would be used for staging vehicles from a local dealer who is going to bring 25 – 30 vehicles to the facilities at a time for service.

**Storage/recycling:**

Esty asked where the used tires are to be stored. Kost replied that the used tires are to be stored in a storage trailer located behind the north end of the building and that the storage trailer would be removed weekly. Jamie Gensel, Fagan Engineer, representing the applicant commented that he would make sure that vehicles could pass by the trailer. Younge asked where the used tires are sent for recycling. Kost replied that they send the used tires to an Albany recycling plant.

**Signs:**

The applicant distributed pictures of another one of his existing facility. Younge asked the Director of Building Inspection and Code Enforcement if the signs shown in the pictures would be allowed. Coons replied that a condition could be added to regulate the signage.

**Hours:**

The applicant explained that typical hours of operation would be from 8 a.m. to 5:30 p.m. Monday through Friday, Saturday is 8 a.m. to 5 p.m., one evening until 7 p.m., no Sundays.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P5-2006**

**THE TIRE CENTER**

**CONCEPT SITE PLAN**

**TAX PARCELS #58.03-1-58 & 59**

Resolution by: Younge

Seconded by: Muir

WHEREAS this Board has received an application for Site Plan approval from J. Ambrose Real Estate for construction of a vehicle repair facility and related infrastructure on tax parcels #58.03-1-58 & 59 as shown on a drawing by Fagan Engineer, project #2006.011 dated January 11, 2006;

AND WHEREAS the property is located on the north side of County Route 64 east of Chambers Road in the Business Regional (BR) district;

AND WHEREAS the applicant intends to construct a 9450 square foot building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is situated between County Route 64 and Fisherville Road, and the proposed site plan will have access to both roads, with access to County Route 64 via a common access approved for the adjacent development, namely Telco Federal Credit Union;

AND WHEREAS there is an on-site drainage basin proposed;

AND WHEREAS there exists a twelve-foot wide easement parallel to the easterly property line owned by New York State Electric & Gas (NYSEG);

AND WHEREAS the applicant has proposed 91 parking spaces;

AND WHEREAS the minimum parking requirements for a vehicle repair facility is one per 3000 square feet, with a maximum number of spaces permitted at the rate of 5 spaces per 1000 square feet, thus requiring a minimum of 4 spaces and permitting a maximum number of spaces to be 47.

AND WHEREAS pursuant to Chapter 17.48.010(C) the Planning Board may approve additional parking based on documented need by the applicant;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED that this Board accepts the document submitted in this application as a Concept Plan;

AND FURTHER RESOLVED that the applicant shall submit the following documentation for consideration by this Board:

- Traffic Impact Study,
- Documentation on the need for additional parking spaces,
- Stormwater Management Plan,
- Location of used tire storage area or description of handling of such,
- Lighting plan,
- Signage plan,
- Landscape plan,

AND FURTHER RESOLVED that the applicant shall submit a development timetable for construction of the proposed site improvements.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**WREN TRUCK AND AUTO SERVICE CENTER  
SITE PLAN CONCEPT PLAN  
TAX PARCEL #66.04-3-30.3**

Prior to approving the concept plan the Board discussed with the applicant and their representative the following questions and comments:

**Drive:**

Masler asked for the proposed distance from the Montessori School drive to the proposed drive. Jamie Gensel, Fagan Engineer, representing the applicant stated that the drive from centerline to centerline would be 220 feet. He added that the ASHTO Standards would be followed for corner lots.

Gensel distributed revised drawings showing the relocation of the drive going directly into the building making it better for truck access point of view. He stated that the septic system area shown is very large.

Sylvia Farr, adjoining property owner, commented that she was pleased to see that the developer had reduced the drives to one drive from two drives. She would like to request more buffers be added to the Winters Road side. Gensel replied that the survey map would give a better check of site distances for the drive location.

Fleisher asked what the elevation from the road would be for flooding proposes. Gensel replied that he does not feel that flooding would be an issue because that portion of the parcel is elevated high enough. The lower section is considered floodplain/floodway, so the stormwater basin needs to be designed around these points.

**Buffer:**

Gensel replied to Masler's question regarding the slope between the Montessori School property lines that he is waiting on the Topographical map to make this determination. He expects a gentle slope on the north side of the property and a steeper slope on the lower section toward County Route 64. Coons added that Montessori School has offered to submit a letter in favor of the Wren Service Center. Esty asked if there are plans to subdivide the property. Gensel replied, no, not at this time.

**Traffic:**

Younge asked the applicant the average traffic generation for this business. John Wren, the owner and applicant, stated that the traffic is usually in the morning around 8 a.m. for drop off service and 5 p.m. for pickup. Wren stated that his business does very little truck service.

**Lighting:**

Younge asked about the lighting. Wren replied that the lighting would be automatic at dusk to dawn and pointed down. Farr commented that the lights on the Montessori School are bright. Coons stated that he would look into the Montessori School lights.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P6-2006**

**WREN TRUCK AND AUTO SERVICE CENTER**

**SITE PLAN CONCEPT PLAN**

**TAX PARCEL #66.04-3-30.3**

Resolution by: Stewart

Seconded by: Masler

WHEREAS this Board has received an application for Site Plan approval from John and Donna Wren for a vehicle repair facility on tax parcel #66.04-4-30.3 as shown on a drawing by Fagan Engineer, project #2006.010 dated January 10, 2006;

AND WHEREAS the property is located at the northwest corner of the intersection of County Route 64/ Main Street and Winters Road in the Commercial Light Industrial (CL) district;

AND WHEREAS the applicant intends to construct a 6000 square foot building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is permitted with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is 6.43 acres, and the applicant intends to construct the facility on the northern portion of the lot, with access from Winters Road;

AND WHEREAS the structure is proposed to be located 150 feet from Winters Road, thus maintaining an existing tree line near Winters Road;

AND WHEREAS there are no fuel dispensing devices proposed with this development;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Concept Plan;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan that shows the following:

- Location of an enclosure for used vehicle parts including, but not limited to, tires, engine parts, used oil and other fluids,
- Location of signage,
- Identify a turn-around area for large commercial vehicles and motor homes,
- Maximum permitted number of parking spaces limited to 30,
- Landscape buffer along the north side of the property adjacent to the school,
- Lighting plan,

AND FURTHER RESOLVED that the applicant shall submit a copy of the current environmental audit;

AND FURTHER RESOLVED that the applicant shall submit a development timetable for construction of the proposed site improvements.

CARRIED: AYES: Piersimoni, Masler, Muir, Fleisher, Esty, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**SIMMONS-ROCKWELL DEALERSHIP  
CONCEPT SITE PLAN  
TAX PARCEL # 67.02-1-5**

Prior to approving the concept plan the Board discussed with the applicant and their represented the following questions and comments:

**Drive Access:**

Coons commented that the current drive access is on the slope of County Route 64 and that County does not use the same site distance standards that the Town uses. The applicant presently has two approved drives.

Jamie Gensel, Fagan Engineer, representing the applicant, stated that the proposed site plan has two additional access drives (1) dirt and (1) paved.

John (Jack) Moore, attorney for the applicant, explained that the intent for the expansion is to include Subaru to the Simmons-Rockwell Dealership line of cars. Additional access is part of their contract with Wren, so if the Board does not permit the additional access there may not be a Wren transaction and that would of course impact the development proposed for Winters Road.

**Traffic:**

- Stewart stated that the additional 250-vehicles places additional traffic on the highway that impacts the safety and that concerns this Board.
- Esty added that these cars are being test driven by people unfamiliar with these vehicles onto a 45 M.P.H. major traffic area.
- Stewart suggested that the applicant review and consider other options to present to the Board.
- Stewart stated that the proposed access is too close to the bridge to be safe.
- Esty suggested a possible service road access within the Simmons-Rockwell Dealership.

Fleisher summarized the Board's request for a design with possibly a perimeter road or a parallel road to County Route 64.

- Masler added that there are other options to be explored such as relocating the two accesses. Gensel commented that the one access cannot be moved away from the reconditioning part of the dealership located on the south side of County Route 64. If these accesses were not across from each other, it would create left hand turns.
- Fleisher commented that another safety factor is the pedestrian, golf carts etc. traffic that darts back and forth across County Route 64.
- Maureen Harding, Planning Director stated that this Board is trying to eliminate traffic impacts on County Route 64 and therefore the Traffic Warrant analysis may need to be reviewed. Gensel agreed to submit a traffic analysis review. Harding informed Gensel that at the Department of Transportation meeting last week, Peter White informed those in attendance that all the traffic signals on County Route 64 would fail.
- The Board has determined that the applicant needs to submit a revised site plan showing the elimination of the access drive, presenting a landscape, lighting and a sign plan.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P7-2006**  
**SIMMONS-ROCKWELL DEALERSHIP**  
**CONCEPT SITE PLAN**  
**TAX PARCEL # 67.02-1-5**

Resolution by: Younge

Seconded by: Fleisher

WHEREAS this Board has received an application from Simmons-Rockwell for Site Plan approval for construction of a parking area on tax parcel #67.02-1-5, as shown on a drawing by Fagan Engineers, Project #2006.013 dated 1/13/06;

AND WHEREAS the property is located on the south side of County Route 64, in the Business Regional (BR) district, west of the existing Simmons-Rockwell dealership and adjacent to Welles Bridge;

AND WHEREAS the property is currently owned by Donna J. Wren, and the current use is a vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the applicant proposes to demolish all structures on the lot and develop a parking area with 252 spaces to be used for display of new and used vehicles;

AND WHEREAS the applicant intends to merge this parcel with the adjacent parcels containing the existing vehicle sales development;

AND WHEREAS the applicant proposes to use the existing drive to access the property;

AND WHEREAS the applicant intends to install a freestanding auto dealership sign;

AND WHEREAS pursuant to Chapter 12.12.060(C) Town Municipal Code, no more than two drives to a single commercial establishment entering on one highway shall be permitted.

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED that this application has been tabled pending further submission by the applicant;

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**RESOLUTION P8-2006**  
**ELMIRA-CORNING HILTON GARDEN INN**  
**SITE PLAN AMENDMENT**  
**TAX PARCEL # 58.01-1-62.2**

Resolution by: Piersimoni

Seconded by : Stewart

WHEREAS this Board has received an application from BFH, LLC, owner of tax parcel #58.01-1-62.2, for Site Plan amendment approval for construction of two additions to the Hilton Garden Inn as shown on a drawing by Cesari Architects and Design dated 1/16/06;

AND WHEREAS the property is located at 36 Arnot Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct a 625 square foot addition to the bar area and a 890 square foot addition to the conference room;

AND WHEREAS addition to the bar will include 23 additional seats to serve the hotel patrons, and the addition to the conference room will provide additional function space and food set-up area;

AND WHEREAS the additions will be built over existing patio bricks, with minimal change to the amount of impervious surface of the site;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to following agencies:

Involved

- Chemung County Planning Department
- Chemung County Public Works
- Chemung County Sewer District
- Chemung County Health Department

Interested

- Town and Country Fire Department
- Big Flats Water Department

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 74;

CARRIED: AYES: Piersimoni, Masler, Muir, Fleisher, Esty, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**MEMBERS COMMENTS:**

- Esty asked if the Planning Board has submitted feedback to the Town Board concerning the moratorium. He would like to recommend that the moratorium be restricted to retail development sites. The particular corridors of concern are New York State 352, County Route 64 and Chamber Road.
- Fleisher asked Harding if the Board could continue beyond the moratorium commencements. Harding replied that she does not have the resolution before her but that there are provisions provided to allow exclusions of certain projects.
- Dean Frisbie, member of Town Board, notified the Board that there would be Public Workshops on the moratorium and encouraged the Planning Board to attend and would like the Planning Board to forward their input to Maureen Harding or a Town Board member concerning the moratorium.
- Fleisher recommended that the Town Supervisor meet with the Star-Gazette editorial Board and discuss the full ramifications of the moratorium and what it is going to affect and what it is not going to effect.
- Esty requested an assessment of why the approved service center proposal has never materialized. Gensel replied that Suzuki and GMC have been negotiating to share the space. Stewart commented that the application was presented to the Board as just a GMC service center.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 2/24/2006 2:57:00 PM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF FEBRUARY 21, 2006**

6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
Carl Masler  
Bill Stewart  
Alternate – Lance Muir

Absent: James Ormiston

Guests: Bart Piersimoni, Dan Getter, Donna Wren, J.P. Wren, Sylvie Farr, Tom Wren, Joseph Navaie, Jamie Gensel, Myron Szewczyk, Jack Moore, David Wigsten, Mandi Drewso, Michael Geiger, Mike Smith, Adrian Van Maarseveen, Art Ambrose

Staff: Dean Frisbie, Mary Ann Balland, Don Gaylord, Larry Wagner

**AGENDA**

The Board agreed to modify the agenda to add the Elmira-Corning Hilton Garden Inn Final Site Plan Amendment.

**PUBLIC HEARING  
MICHAEL M. SMITH SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-44.21 and 66.04-4-45**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:34 P.M. and reconvened the business portion of the regular meeting.

**RESOLUTION P9-2006  
SMITH SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #66.04-4-44.21 and 66.04-4-45**

Resolution by: Esty  
Seconded by: Muir

WHEREAS the Planning Board has received an *application* from Michael M. Smith, *owner* of tax *parcels* #66.04-4-44.21 and 66.04-4-45, for the re-*subdivision* approval of said two *parcels* to create one 93.4-acre *parcel*, and a *subdivision* to create the following two *parcels*:

- *Parcel A* being 7-acres containing vacant land that includes Guthrie Run, and
- *Parcel B* being 86.4-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Goss Road and Carpenter Road, near County Route 64 in the Conservation (C) and Residential 1 (R1) *Districts*;

AND WHEREAS the proposed 7-acre *parcel* is located in the R1 *district*, and the 86.4-acre *parcel* is located in the Conservation *district*,

AND WHEREAS the *Bulk and Density* Control Schedule requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS the Chemung County Planning Board at its September 16, 2004 meeting recommended approval with conditions set forth by the Town;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a final *subdivision* plat;

AND FURTHER RESOLVED that the final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* submit (1) Mylar and (5) paper copies to the Planning Board secretary to be prepared for approval by the chair.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

## MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of January 31, 2006. Younge made a motion to accept and approve the minutes of January 31, 2006, seconded by Piersimoni. All were in favor, motion carried. Ormiston was absent.

## GEIGER ESTATES SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #47.04-2-55.1

Fleisher reviewed the resolution and asked the Board for questions or comments. Esty commented that through a discussion with code enforcement he was satisfied that the codes protect the surrounding areas from construction on steep slopes. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P10-2006  
GEIGER ESTATES SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #47.04-2-55.1**

Resolution by: Stewart

Seconded by: Younge

WHEREAS this Board has received an application from Michael F. Geiger, owner of tax parcel #47.04-2-55.1, for subdivision approval of this 28.001 acre parcel as shown on a survey map by Weiler Associates, Job Number 11198.04, dated November 2, 2005;

AND WHEREAS the parcel is located on a private drive, namely Geiger Way, off Liberty Way in the Rural (RU) district;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel 1 being 3.0 acres containing a single family dwelling and appurtenances,
- Parcel 2 being 25.001 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is three acres;

AND WHEREAS Parcel 2 will provide a right-of-way to Parcel 1 for access to Liberty Way;

AND WHEREAS the Chemung County Health Department, in correspondence dated January 9, 2006, stated no objection to this application;

AND WHEREAS pursuant to Resolution P96-2005, the applicant has provided a copy of both deeds identifying the right-of-way dedicated to parcel 1;

AND WHEREAS prior to the last meeting an engineering report by Fagan Engineers regarding drainage concerns in the Colonial Estates subdivision was submitted by an adjacent property owner;

AND WHEREAS action on the application was tabled pending review of the report by Town staff;

AND WHEREAS in a letter dated February 15, 2006, Larry Wagner, Commissioner of Public Works for the Town of Big Flats, stated there is no correlation between the engineering report and the subdivision application;

THEREFORE BE IT RESOLVED that this Board accepts the findings of the Commissioner of Public Works;

AND FURTHER RESOLVED that this Board approves the documentation in this application as a Preliminary Plat and accepts the Preliminary Plat as the Final Plat;

AND FURTHER RESOLVED that the Final Plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**RESOLUTION P11-2006  
COMMERCIAL NET LEASE  
RESTAURANT SITE PLAN AMENDMENT  
FINAL PLAN  
TAX PARCEL # 58.03-1-53.2**

Resolution by: Muir

Seconded by: Piersimoni

WHEREAS this Board has received an application from Commercial Net Lease Realty Services, Inc., owner of tax parcel #58.03-1-53.2, for Site Plan Amendment approval for a modification of an approved site plan as shown on a drawing by Bohler Engineering, Project No. BO40601 dated 1/12/06, revised 1/24/06;

AND WHEREAS the property is located on County Route 64, east of Chambers Road in the Business Regional (BR) district and the development is commonly known as the Target/Best Buy development;

AND WHEREAS site plan approval was granted pursuant to Resolution P44-2005, dated July 5, 2005, for a retail center and 5000 square foot restaurant, and the applicant is requesting approval for modification of the approved site plan as follows:

- Construction of a 7500± square foot restaurant instead of 5000 square feet,
- Construction of additional parking spaces,
- Relocation of the eastern most drive,
- Relocation of the cross access easement area;

AND WHEREAS this project was reviewed pursuant to SEQRA as an Unlisted Action and a Negative Declaration was issued, and this amendment request continues to be an Unlisted Action and will be reviewed under the same;

AND WHEREAS there are no proposed changes to utilities or the Stormwater Management Plan;

AND WHEREAS the Chemung County Planning Board at its February 16, 2006 meeting recommended Town approval,

THEREFORE BE IT RESOLVED to approve the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that the Preliminary Plan is approved as the Final Plan and the Final Plan is approved subject to the following conditions:

- The applicant shall comply with all applicable conditions of approval pursuant to Resolution P44-2005.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**THE TIRE CENTER  
PRELIMINARY SITE PLAN  
TAX PARCELS #58.03-1-58 & 59**

Fleisher reviewed the proposed resolution and asked the Board for questions or comments. Subsequent to the Environmental Assessment Form Part 2 review, Fleisher asked James Gensel of Fagan Engineers, representing the applicant, if there is a drainage plan to mitigate any action that would alter the drainage flow, pattern or surface water runoff on the site. Gensel replied that the water flow would be a small to moderate impact that can be mitigated with the onsite basin.

Fleisher commented that cars, not ready to be sold, are brought in from different dealers for new tires. Dan Getter, representative of The Tire Center, added that the cars are brought in for tires and/or mechanical work and that The Tire Center has thousands of commercial accounts. Their aim is to promote 50% of their business at commercial accounts.

Pursuant to a discussion concerning the displaying of price stickers on the windows of the cars on the site dropped off for service, the applicant agreed with the Board's position that no price stickers would be displayed on the windows of the cars on the site for service. Younge asked Getter what the average time a car would set on the lot. Getter replied, "Your actual in the garage time is an hour."

Gensel noted that the number of parking spaces would be reduced to 78. Fleisher questioned the nine parking spaces to the east of the building and five parking spaces in the front. Gensel replied that the five parking spaces in the front were previously eliminated, but the applicant would prefer to keep the nine parking spaces to the east because the office entrance is located on the east side. Fleisher expressed his concern that the nine parking spaces to the east of the building would create a traffic hazard with cars backing into traffic entering and exiting onto the Fisherville Road access. Stewart suggested that access to Fisherville Road be encouraged by widening access to the road. Gensel replied that the plan is being revised to accommodate a wider access onto Fisherville Road.

The dumpster would be relocated to allow trucks to maneuver into and out of the site.

Gensel commented that the landscaping would be consistent with the new adjoining project to the east.

There being no further question or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P12-2006  
THE TIRE CENTER  
PRELIMINARY SITE PLAN  
TAX PARCELS #58.03-1-58 & 59**

Resolution by: Stewart  
Seconded by: Muir

WHEREAS this Board has received an application for Site Plan approval from J. Ambrose Real Estate for construction of a vehicle repair facility and related infrastructure on tax parcels #58.03-1-58 & 59 as shown on a drawing by Fagan Engineer, project #2006.011 dated January 11, 2006;

AND WHEREAS the property is located on the north side of County Route 64 east of Chambers Road in the Business Regional (BR) district;

AND WHEREAS the applicant intends to construct a 9450 square building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is situated between County Route 64 and Fisherville Road, and the proposed site plan will have access to both roads, with access to County Route 64 via a common access approved for the adjacent development, namely Telco Federal Credit Union;

AND WHEREAS the revised site plan proposes 89 parking spaces, and the applicant has documented the need for the additional parking spaces as follows:

- There are 14 service bays with one employee per bay, and a service manager, thus requiring 15 parking spaces for employee use.
- There are 30 spaces for a corporate account that will rotate cars in and out for service.
- The balance of the spaces are required for daily retail trade, as some patrons will drop off their vehicle for the entire day, while others may choose to wait for service;

THEREFORE BE IT RESOLVED that this Board accepts the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board, Chemung County Sewer District;

AND FURTHER RESOLVED based on review of Part 2 of the Environmental Assessment Form, this Board lacks sufficient information to complete the review and therefore makes no final determination on said review;

AND FURTHER RESOLVED that pursuant to Resolution P5-2006 the applicant shall submit the following information prior to completion of the environmental review:

- Traffic Impact Study to include the traffic impacts associated with the redevelopment of the A&P plant.
- Stormwater Management Plan,
- Location of used tire storage area or description of handling of such,
- Location of freestanding sign,
- Relocation of the dumpster
- Redesign the access to widen access to Fisherville Road

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that the applicant shall submit a development timetable for construction of the proposed site improvements.

CARRIED: AYES: Younge, Stewart, Esty, Muir, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**JOHN'S TRUCK AND AUTO SERVICE CENTER  
Aka WREN'S AUTO SERVICE CENTER  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.04-3-30.3**

Fleisher asked John Wren, owner of John's Truck and Auto Service Center, to clarify what type of truck service would be offered at his proposed site because of concerns that tractor-trailers would be serviced on the site. Wren replied that the trucks would be serviced but not the trailers. His records from the beginning of this year show the following:

- 157 repairs of light duty vehicles of one ton or smaller
- 13 of heavy duty trucks 15,000 gross weight or above included Fed Ex vans, mostly were oil changes
- 277 light duty vehicles 15,000 gross vehicle weight, which includes 1 ton dump trucks, little bigger than a pickup
- 19 heavy duty truck inspections over 18,000 gross vehicle weight, which included dump truck with 2 axles, tractor trailer, trailer, equipment trailer

Fleisher asked Wren to verify the expected route the trucks would be entering the proposed site. Wren replied that in the fall when his dump truck business increases he would recommend that Hammond Street not be used. Stewart asked how a tri-axle dump truck would turnaround on the site. Wren replied that he believes that by going around the building there would be plenty of space.

Fleisher asked James Gensel of Fagan Engineers, representing the applicant; to clarify the drainage plans in reference to a concern received by the Board. Gensel replied that the low spot on the property would be utilized for a stormwater retention basin and that a permit would have to be filed with the Town if any changes were proposed to the floodway or floodplain.

Younge recommended that the aesthetics adjoining the neighboring property be conditioned by screening all stored parts and cars from neighborhood view on the site. Stewart agreed that an alternative place be secured to prevent a hazardous attraction to neighborhood children. Gensel replied that a fence is being proposed along the single-family home side of the property and that the tree line buffer on Winters Road would be enhanced. He added that there already exists a fence on the north side of the property.

Gensel reviewed that the latest revisions included:

- A 50-foot entrance to provide stacking of vehicles leaving the site,
- Relocation of the office space to the northeast corner of the building,
- Four-parking spaces for customer drop-off and pick-up,

Esty asked about entrance. Mary Ann Balland, Town Supervisor, told Esty to talk to the Director of Planning about the entrance because there is not enough space to develop that with the buffer barrier, landscape requirements and drainage pond.

Esty inquired as to the external lighting plan. Gensel replied that the external pole lighting plan originally submitted was removed from the plans. External security lighting on the building will be used.

Masler asked about the size of the repair garage. Wren replied that the proposed one is 60 foot x 60-foot. The present shop is 42-foot x 54-foot, plus 80 square feet of office space.

Fleisher reviewed and completed the Short Environmental Assessment Form. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P13-2006**  
**JOHN'S TRUCK AND AUTO SERVICE CENTER**  
**Aka WREN TRUCK AND AUTO SERVICE CENTER**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #66.04-3-30.3**

Resolution by: Stewart

Seconded by: Piersimoni

WHEREAS this Board has received an application for Site Plan approval from John and Donna Wren for a vehicle repair facility on tax parcel #66.04-4-30.3 as shown on a drawing by Fagan Engineer, project #2006.010 dated January 10, 2006, revised February 17, 2006;

AND WHEREAS the property is located at the northwest corner of the intersection of County Route 64/ Main Street and Winters Road in the Commercial Light Industrial (CL) district;

AND WHEREAS the applicant initially intended to construct a 6000 square foot building, but now intends to construct a 3600 square building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is permitted with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is 6.43 acres, and the applicant intends to construct the facility on the northern portion of the lot, with access from Winters Road;

AND WHEREAS the proposed development complies with the vehicle repair regulations and the buffer/barrier regulations of the Town Municipal Code, namely Chapters 17.36.190 and 17.36.200 respectively;

AND WHEREAS there are no fuel dispensing devices proposed with this development;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Part 2 Environmental Assessment Form SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan that shows the following:

- Location of an enclosure for used vehicle parts including, but not limited to tires, engine parts, used oil and other fluids,
- Location of dumpster enclosure;

AND FURTHER RESOLVED that the applicant shall submit a development timetable for construction of the proposed site improvements.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**SIMMONS-ROCKWELL DEALERSHIP  
PRELIMINARY SITE PLAN  
TAX PARCEL # 67.02-1-5**

Fleisher asked James Gensel of Fagan Engineers, representing the applicant, to explain the process of eliminating the access drive. Gensel replied that a landscape buffer shall be constructed and the stone apron extended and that the entire area would be repaved. Fleisher asked Gensel to explain what is proposed for the access to the east. Gensel replied the entire area is to be re-graded to match the existing site. The Environmental Assessment Form Part 2 was completed and there being no further questions or comments Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P14-2006  
SIMMONS-ROCKWELL DEALERSHIP  
PRELIMINARY SITE PLAN  
TAX PARCEL # 67.02-1-5**

Resolution by: Younge

Seconded by: Muir

WHEREAS this Board has received an application from Simmons-Rockwell for Site Plan approval for construction of a parking area on tax parcel #67.02-1-5, as shown on a drawing by Fagan Engineers, Project #2006.013 dated 1/13/06 and revised February 8, 2006;

AND WHEREAS the property is located on the south side of County Route 64, in the Business Regional (BR) district, west of the existing Simmons-Rockwell dealership and adjacent to Welles Bridge;

AND WHEREAS the property is currently owned by Donna J. Wren, and the current use is a vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the applicant intends to merge this parcel with the adjacent parcels containing the existing vehicle sales development;

AND WHEREAS the applicant intends to install a freestanding auto dealership sign on this parcel;

AND WHEREAS pursuant to discussion at the January 31, 2006 Planning Board meeting, the applicant has submitted a revised drawing showing the following:

- Elimination of the access drive from County Route 64,
- A redesigned site to allow for internal circulation of traffic accessing County Route 64 from the existing drive for the current operation,
- Parking area for display of new and used vehicles expanded to 277 spaces,
- Relocated detention basin;

AND WHEREAS Larry Wagner, Commissioner of Public Works for the Town of Big Flats, submitted a letter dated February 9, 2006, stating the need to discontinue and abandon the public water supply, and suggesting that the shape of the proposed stormwater detention basin be restructured to allow for potential future development of pedestrian traffic on the old railroad bed;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Part 2 Environmental Assessment Form SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

#### **RESOLUTION P15-2006**

#### **ELMIRA-CORNING HILTON GARDEN INN**

#### **FINAL SITE PLAN AMENDMENT**

#### **TAX PARCEL # 58.01-1-62.2**

Resolution by: Piersimoni

Seconded by : Esty

WHEREAS this Board has received an application from BFH, LLC, owner of tax parcel #58.01-1-62, for Site Plan amendment approval for construction of two additions to the Hilton Garden Inn as shown on a drawing by Cesari Architects and Design dated 1/16/06;

AND WHEREAS the property is located at 225 Colonial Drive in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct a 625 square foot addition to the bar area and a 890 square foot addition to the conference room;

AND WHEREAS addition to the bar will include 23 additional seats to serve the hotel patrons, and the addition to the conference room will provide additional function space and food set-up area;

AND WHEREAS the additions will be built over existing patio bricks, with minimal change to the amount of impervious surface of the site;

AND WHEREAS the Chemung County Planning Board at its February 16, 2006 meeting recommended Town approval,

AND WHEREAS the Chemung County Health Department, in correspondence dated February 13, 2006, stated that the existing facility is currently under permit with its department and offered no further comment on this project;

THEREFORE BE IT RESOLVED that this Board completes the environmental review and finds no significant potential environmental impacts and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board approves the documents submitted as a Preliminary Plan and to accept the Preliminary Plan as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Muir, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**SOUL FULL CUP /COFFEE ROASTERS  
MANUFACTURING EXPANSION  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #57.02-2-66**

Joseph Navaie, owner of the existing coffee roasting manufacturing business, stated that there has been a great deal of misunderstanding with his other applications, meetings and information that he has received concerning his application both present and his preceding application.

Fleisher asked Navaie if he would agree that the expansion of manufacturing preliminary site plan be tabled until the issues discussed be clarified. Navaie replied that he agreed.

**RESOLUTION P16-2006  
SOUL FULL CUP /COFFEE ROASTERS  
MANUFACTURING EXPANSION  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #57.02-2-66**

Resolution by: Muir

Seconded by: Younge

WHEREAS this Board has received an application for Site Plan amendment approval from Joseph Navaie for expansion of the existing coffee roasting manufacturing use on tax parcel #57.02-2-66 as shown on a drawing received February 8, 2006;

AND WHEREAS the property is located at 334 Sing Sing Road in the Airport Business Development (ABD) district;

AND WHEREAS the applicant intends to construct a 36' x 50' addition to the existing 36' x 30' building;

AND WHEREAS in an application letter dated February 2, 2006, the applicant states the following:

- There are three existing security lights, additional lighting will not be required,
- Additional signage will not be required,
- Existing driveway and parking will not be altered,
- No accessory structures are required,
- A dumpster will be located at the southwest end of the expansion,
- Landscaping is not proposed for this project,
- Existing utility services will be used,

AND WHEREAS the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code;

AND WHEREAS the current manufacturing operation has received a Food Processing License from the Department of Agriculture and Markets;

AND WHEREAS the adjacent property owners will be notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this application be tabled pending review and comments by the Planning Board Director and Attorney for the Town.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**MEMBERS COMMENTS:**

- Fleisher commented that the Board should have received a copy of the Local Laws 2 and 3 with regard to Training and Attendance Requirements for Planning and Zoning Boards. Mary Ann Balland commented that other Towns have adopted these Laws so Big Flats decided to adopt it to encourage attendance. There will be local seminars such as the Corning Southern Tier Annual Regional Leadership Conference to be held on April 13, 2006 in Corning.
- Balland commented that a local planning workshop is envisioned.
- Balland commented that she would like to request Fleisher to attend the County Route 64 meeting.
- Esty commented that he would like to know the next step in getting the moratorium to be most effective. Balland commented that on Friday mornings there would be a committee meeting to deal with the moratorium in rezoning Fleisher from the Planning Board is on the committee. In the meantime, the Planning Director and the Attorney for the Town will meet with the Planning Board to discuss procedures.
- The Board requested copies of the recommendations of the Comprehensive Plan. Esty requested an entire copy be emailed to him.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 3/30/2006 10:27:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MARCH 14, 2006**

6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
Carl Masler  
Bill Stewart

Absent: - James Ormiston  
Alternate – Lance Muir

Guests: Steve Hoffmann, Tom Wren, James Gensel, Bart Piersimoni, Adrian Van Maarseveen, Art Ambrose, Joseph Navaie, Rick Rossettie, Kent Brown, Dave Kost

Staff: Maureen Harding

**AGENDA**

The Board agreed to modify the agenda to change item 5 from final to preliminary as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of February 21, 2006. Masler asked that a correction be made that it was Dan Getter that spoke for the Tire Center. Piersimoni made a motion to accept and approve the minutes of February 21, 2006 as modified, seconded by Masler. All present were in favor, motion carried.

**THE TIRE CENTER  
FINAL SITE PLAN  
TAX PARCELS #58.03-1-58 & 59**

Fleisher asked Maureen Harding, Director of Planning, if she had received the motions from the Chemung County Planning Board March 14, 2006 meeting. Harding replied that she had not received a reply at this time. Art Ambrose, applicant and James Gensel of Fagan Engineers were present at the Chemung County Planning Board Meeting and commented that the application was approved.

The Traffic and Stormwater Drainage Report have been submitted; therefore, the Environmental Assessment Form was completed. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P17-2006  
THE TIRE CENTER  
FINAL SITE PLAN  
TAX PARCELS #58.03-1-58 & 59**

Resolution by: Esty  
Seconded by: Stewart

WHEREAS this Board has received an application for Site Plan approval from J. Ambrose Real Estate for construction of a vehicle repair facility and related infrastructure on tax parcels #58.03-1-58 & 59 as shown on a drawing by Fagan Engineer, project #2006.011 dated January 11, 2006, revised February 10, 2006, revised March 7, 2006;

AND WHEREAS the property is located on the north side of County Route 64 east of Chambers Road in the Business Regional (BR) district;

AND WHEREAS the applicant intends to construct a 9450 square foot building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is situated between County Route 64 and Fisherville Road, and the proposed site plan will have access to both roads, with access to County Route 64 via a common access approved for the adjacent development, namely Telco Federal Credit Union;

AND WHEREAS the number of parking spaces has been reduced from 89 parking spaces to 78 parking spaces;

AND WHEREAS pursuant to Resolution P5-2006 the applicant submitted the following:

- Traffic Impact Study,
- Stormwater Management Plan,
- Location of used tire storage area or description of handling of such,
- Location of freestanding sign;

AND WHEREAS Gale Wolfe, Director of Environmental Services for the Chemung County Sewer District, in a letter dated March 2, 2006 stated no significant concerns about the proposed Tire Center, making a sewer connection to the County's system and need to review the design plans in regards connecting to a manhole;

AND WHEREAS the Chemung County Health Department, in correspondence dated March 8, 2006, stated that its department did not have any requirements for this development;

AND WHEREAS Timothy Von Neida, Commissioner of the Chemung County Department of Public Works, in a letter dated March 13, 2006 stated "the site plan for the tire center is acceptable. I require the site contractor to contact the County Public Works Department for permits to do any and all grading or excavating on county road right-of-way. I am particularly interested in the plans to make a sewer connection for this site";

AND WHEREAS the Chemung County Planning Board, at its March 14, 2006 meeting recommended Town's approval with any additional approval conditions the Town considers warranted;

AND WHEREAS the environmental review pursuant to SEQRA was not completed due to the lack of sufficient information on traffic and drainage;

THEREFORE BE IT RESOLVED that this Board finds that the applicant has submitted sufficient information to complete the environmental review, and as such finds no significant potential adverse environmental impacts and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board accepts the documentation for the need for additional parking for this use and approves the 78 parking spaces proposed by the applicant;

AND FURTHER RESOLVED that this Board approves the documents submitted as a Preliminary Plan, and the Preliminary Plan is accepted as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office.
4. **Dumpster** – The enclosure for the dumpster shall be constructed of masonry material.
5. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
6. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
7. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
8. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
9. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
10. **Signs** – One freestanding sign has been approved for this site. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
11. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to pedestrians and vehicular and air traffic.
12. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
13. **Vehicle Sales** – Sales of vehicles as an accessory use is prohibited.

AND FURTHER RESOLVED that only one trailer for storage of used tires shall be permitted to be stored on the property at any one time.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler

NAYS: None

ABSTAIN: Piersimoni

ABSENT: Ormiston

**JOHN'S TRUCK AND AUTO CENTER  
Aka WREN'S AUTO SERVICE CENTER  
FINAL SITE PLAN  
TAX PARCEL #66.04-3-30.3**

Fleisher reviewed the conditions and noted condition #12 regarding vehicle sales was inserted because the applicant conveyed his intent to sell vehicles at the site after the last meeting. This accessory use would be permitted; however, this condition limits the number of vehicles and manner in which the vehicles would be displayed. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P18-2006  
JOHN'S TRUCK AND AUTO CENTER  
Aka WREN'S AUTO SERVICE CENTER  
FINAL SITE PLAN  
TAX PARCEL #66.04-3-30.3**

Resolution by: Stewart  
Seconded by: Masler

WHEREAS this Board has received an application for Site Plan approval from John and Donna Wren for a vehicle repair facility on tax parcel #66.04-4-30.3 as shown on a drawing by Fagan Engineer, project #2006.010 dated January 10, 2006, revised February 17, 2006;

AND WHEREAS the property is located at the northwest corner of the intersection of County Route 64/ Main Street and Winters Road in the Commercial Light Industrial (CL) district;

AND WHEREAS the intends to construct a 3600 square foot building and associated parking and infrastructure to operate a motor vehicle repair facility;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is permitted with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the property is 6.43 acres, and the applicant intends to construct the facility on the northern portion of the lot, with access from Winters Road;

AND WHEREAS the proposed development complies with the vehicle repair regulations and the buffer/barrier regulations of the Town Municipal Code, namely Chapters 17.36.190 and 17.36.200 respectively;

AND WHEREAS there are no fuel dispensing devices proposed with this development;

AND WHEREAS the Chemung County Health Department, in correspondence dated March 8, 2006, stated that prior to issuance of a building permit a sewage disposal permit must be issued for the project;

AND WHEREAS the Chemung County Planning Board, at its March 14, 2006 meeting made a motion recommending Town approval noting County Commissioner of Public Works Tim Von Neida's comments regarding culvert work and any other impacts of drainage that could be present on County Route 64;

AND WHEREAS Timothy Von Neida, Commissioner of the Chemung County Department of Public Works in a letter dated March 13, 2006 stated that he had no problem with the site plan for the traffic ingress and egress, but stated his concerns about the site drainage;

THEREFORE BE IT RESOLVED to approve the documents submitted in this application as a Preliminary Plan and that the Preliminary Plan is accepted as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office.
4. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
6. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
7. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
8. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
9. **Signs** – One freestanding sign has been approved for this site. Language on the sign shall be for the vehicle repair use only. There shall be no language on the sign that identifies the vehicle sales accessory use. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
10. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners.
11. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
12. **Vehicle Sales** – Sale of vehicles as an accessory use is permitted. Not more than four (4) vehicles shall be for sale at any one time. Display of any vehicle for sale shall be limited to the approved parking area only. No vehicle offered for sale shall be displayed in any required buffer and/or transition yard. No vehicle offered for sale shall be advertised on the lot by use of decoration, banner, balloon, streamer, or any similar item. Only window markings shall be permitted.
13. **Fencing** – All fencing shall be maintained in perpetuity.
14. **Landscaping** – All landscaping shall be maintained in perpetuity.
15. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

AND FURTHER RESOLVED that the applicant shall install a six (6) foot high solid style fence as a visual barrier at the north edge of the rear parking lot.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Ormiston

**RESOLUTION P19-2006**  
**SIMMONS-ROCKWELL DEALERSHIP**  
**FINAL SITE PLAN**  
**TAX PARCEL # 67.02-1-5**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS this Board has received an application from Simmons-Rockwell for Site Plan approval for construction of a parking area on tax parcel #67.02-1-5, as shown on a drawing by Fagan Engineers, Project #2006.013 dated 1/13/06 and revised February 8, 2006;

AND WHEREAS the property is located on the south side of County Route 64, in the Business Regional (BR) district, west of the existing Simmons Rockwell dealership and adjacent to Welles Bridge;

AND WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle sale is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board;

AND WHEREAS the applicant intends to merge this parcel with the adjacent parcels containing the existing vehicle sales development;

AND WHEREAS the applicant intends to install a freestanding auto dealership sign on this parcel;

AND WHEREAS pursuant to discussion at the January 31, 2006 Planning Board meeting, the applicant has submitted a revised drawing showing the following:

- Elimination of the access drive from County Route 64,
- A redesigned site to allow for internal circulation of traffic accessing County Route 64 from the existing drive of the current operation,
- Parking area for display of new and used vehicles expanded to 277 spaces,
- Relocated detention basin;

AND WHEREAS Larry Wagner, Commissioner of Public Works for the Town of Big Flats, submitted a letter dated February 9, 2006, stating the need to discontinue and abandon the public water supply, and suggesting that the shape of the proposed stormwater detention basin be restructured to allow for potential future development of pedestrian traffic on the old railroad bed;

AND WHEREAS the Chemung County Health Department, in correspondence dated March 8, 2006, stated its department did not have any requirements for this development;

AND WHEREAS the Chemung County Planning Board, at its March 14, 2006 meeting recommended Town approval;

AND WHEREAS Timothy Von Neida, Commissioner of the Chemung County Department of Public Works in a letter dated March 13, 2006 stated the site plan is acceptable as long as no new/additional entrances to the site are proposed onto County Route 64;

THEREFORE BE IT RESOLVED that this Board approves the documents submitted as a Preliminary Plan and accepts the Preliminary Plan as a Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office.
4. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
6. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
7. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
8. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
9. **Signs** – One freestanding sign has been approved for this development. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
10. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to pedestrians and vehicular and air traffic.
11. **Certificate of Compliance** – Prior to issuance of any certificate of compliance the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
12. **Public Water Supply** – Prior to issuance of any certificate of compliance, the applicant shall comply with the requirements of the letter issued by the Town of Big Flats Commissioner of Public Works dated February 9, 2006.
13. **Special Use Permit** - to be granted by the Town Board.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart, Young

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**SOUL FULL CUP /COFFEE ROASTERS  
MANUFACTURING EXPANSION  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #57.02-2-66**

Young asked the applicant if they are proposing any landscaping on the site. Joseph Navaie, applicant, replied that he intends to add landscaping around the building; such as shrubs, plants and trees. Young asked the applicant if he would provide the Board with a sketch of the proposed landscaping. Navaie agreed to provide a sketch. The Short Environmental Assessment Form was completed. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P20-2006  
SOUL FULL CUP /COFFEE ROASTERS  
MANUFACTURING EXPANSION  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #57.02-2-66**

Resolution by: Masler  
Seconded by: Younge

WHEREAS this Board has received an application for Site Plan amendment approval from Joseph Navaie for expansion of the existing coffee roasting manufacturing use on tax parcel #57.02-2-66 as shown on a drawing received February 8, 2006;

AND WHEREAS the property is located at 334 Sing Sing Road in the Airport Business Development (ABD) district;

AND WHEREAS the applicant intends to construct a 36' x 50' addition to the existing 36' x 30' building;

AND WHEREAS in an application letter dated February 2, 2006, the applicant states the following:

- There are three existing security lights, additional lighting will not be required,
- Additional signage will not be required,
- Existing driveway and parking will not be altered,
- No accessory structures are required,
- A dumpster will be located at the southwest end of the expansion,
- Landscaping is not proposed for this project,
- Existing utility services will be used,

AND WHEREAS the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code;

AND WHEREAS the current manufacturing operation has received a Food Processing License from the Department of Agriculture and Markets;

AND WHEREAS the adjacent property owners will be notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17;

AND FURTHER RESOLVED that the applicant shall submit additional information identifying the following:

- Location of the dumpster and type of enclosure,
- Location and type of landscaping,
- Hours of operation,
- Number of employees

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**ROUCEK SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #97.00-1-6.1**

Fleisher explained that the applicant is requesting parcel B to be merged with parcel C in order to comply with three-acre requirement in the rural district. The Short Environmental Assessment Form was completed and there being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P21-2006  
ROUCEK SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #97.00-1-6.1**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS this Board has received an application from Ernest Roucek, owner of tax parcel #97.00-1-6.1, for subdivision approval as shown on a survey map by Weiler Associates, Job Number 8303.03, last revised March 2, 2005;

AND WHEREAS the parcel is located at 10 Kneale Road in the Rural (RU) district;

AND WHEREAS the parcel consists of 9.297 acres and contains two single family dwellings and appurtenances;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel A being 6.264 acres containing a single family dwelling, garage and shed;
- Parcel B being 2.052 acres containing vacant land;
- Parcel C being 0.981 acres containing a single family dwelling and shed;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres

AND WHEREAS the applicant's attorney submitted a corrected deed showing the merger of parcels B and C thereby creating a single parcel;

AND WHEREAS the adjacent property owners will be notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the

Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Health Department, the Chemung County Planning Board and the Town of Southport;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of the Town of Southport;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for April 25, 2006.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Ormiston,

**SIGLIN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #66.02-2-13 & #66.02-2-19**

Fleisher described and reviewed the proposed resolution. The Short Environmental Assessment Form was completed. Esty recommended that the Board request a letter be sent to the applicant requiring letters of intent from the buyers of Parcels B, C and D. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P22-2006  
SIGLIN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #66.02-2-13 & #66.02-2-19**

Resolution by: Esty  
Seconded by: Fleisher

WHEREAS this Board has received an application from Carl A. and Robin M. Siglin, owners of tax parcels #66.02-2-13 and 66.02-2-19, for subdivision approval as shown on a survey map by Kenneth R. Decker, Job Number 65-05-3288, dated December 7, 2005;

AND WHEREAS the parcel is located at 66 Hillview Drive in the Residential 1(R1) district;

AND WHEREAS tax parcel #66.02-2-13 consists of approximately 16,500 square feet (0.38 acres) and contains a storage building, and tax parcel #66.02-2-19 consists of 6.385 acres and contains a single family dwelling and barn;

AND WHEREAS the applicant proposes to merge the two parcels and subdivide to create the following:

- Parcel A being 4.494 acres containing a single family dwelling and barn to be retained by the owner,
- Parcel B being 0.546 acres containing vacant land;
- Parcel C being 0.745 acres containing vacant land;
- Parcel D being 0.877 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the R1 district is 35,000 square feet (0.8 acres);

AND WHEREAS parcels B, C, and D will be conveyed to adjacent property owners as indicated on the survey map;

AND WHEREAS the adjacent property owners will be notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for April 4, 2006.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**COBURN SITE PLAN  
AREA VARIANCE REFERRAL  
TAX PARCELS #48.03-2-15.1**

The Board offered comments following the review of the proposed resolution. Stewart noted that the pictures distributed by the applicant included an adjoining property with an existing porch that seemed to be smaller than what is being considered in this application.

Esty commented that the intent of a setback is to protect the neighbors and he wondered if any of the neighbors have been notified and responded. Fleisher replied that the adjoining homeowners would be notified prior to the Zoning Board of Appeals Public Hearing. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P23-2006  
COBURN SITE PLAN  
AREA VARIANCE REFERRAL  
TAX PARCELS #48.03-2-15.1**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS the Zoning Board of Appeals has referred to this Board an application for an Area Variance from Debbie Coburn to construct a porch in the rear setback as shown on a file documents;

AND WHEREAS the property is located at 225 Leisure Lane in the Senior Housing Planned Multiple Residential District (SHPMRD), namely Retirement Estates;

AND WHEREAS the applicant proposes to construct a 12' x 22' (264 square feet) addition to the rear of the manufactured home;

AND WHEREAS the manufactured home is located on the rear setback line, and any addition thereto will encroach the required 25' rear yard;

AND WHEREAS Chapter 17.20.080(A5d) of the Town Municipal Code gives exception to awnings, canopies, single story decks and porches to be constructed into a required yard setback a maximum of six feet, with the total area of the structure not to exceed 140 square feet;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

AND WHEREAS pursuant to Chapter 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals:

THEREFORE BE IT RESOLVED that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
Yes, the applicant could have a smaller porch built.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No.
3. Is the request substantial?  
Yes.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board determines the following:

- The exception to the code was developed to permit construction into a required yard without the need for a variance,
- The construction of the proposed porch will not be consistent with the character of the neighborhood based on the substantial projection into the required yard;

AND FURTHER RESOLVED that this Board does not support the construction of the structure as proposed, and recommends that the Zoning Board of Appeals consider approval with modification as follows:

- That the structure be restricted to the maximum structure area provided for in the code, being 140 square feet,
- That the total projection into the rear yard be limited to 8 feet.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston,

**MEMBERS COMMENTS:**

- Esty commented that he would like an update on the moratorium. Maureen Harding, Director of Planning, replied that the committee is making great headway and there are subcommittees working on each chapter. The final document should be completed either next week or the following week. In the meantime, as things slow down we are going to have to meet to discuss changing and/or amending procedure guidelines and design standards.
- Esty commented that he would like an update on the County Route 64 Corridor Study. Harding replied that an engineer was asked to review the area to put together a Survey.
- Stewart commented that he would like an update on the Town Center Study. Harding replied that the Town Center Plan is done and would be glad to provide a copy. Fleisher commented that a lot of the information in the Town Center Plan has been incorporated into the Comprehensive Plan. Harding commented that the Town Center advisory group compiled a list of substantial recommendations in terms of the zoning. Younge commented as to the notification to the public. Harding commented that once the Comprehensive Plan is finalized, the consultant will meet twice more with the Town Board and once more with the County and then the final document will be available for public review and comments.
- Piersimoni commented that she would like a copy of the final version of the moratorium law.

Meeting adjourned at 7:50 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 4/7/2006 10:20:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF APRIL 4, 2006**

6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston

Absent - Lee Youngue

Guests: Brad Clark, Art Ambrose, Adrian Van Maarseveen

Staff: Maureen Harding, Tom Reed

**AGENDA**

The Board agreed with the agenda as presented.

Fleisher suspended the business portion of the meeting for a Public Hearing on the Siglin subdivision preliminary plat.

**PUBLIC HEARING  
SIGLIN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #66.02-2-13 & #66.02-2-19**

Chair Fleisher called the Public Hearing to order at 6:45 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 6:49 P.M. and reconvened the business portion of the regular meeting.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of March 14, 2006. Esty made a motion to accept and approve with modifications to the minutes of March 14, 2006, seconded by Masler. Youngue was absent, Ormiston abstained, Fleisher, Piersimoni, Esty, Masler and Stewart were in favor, motion carried.

**RESOLUTION P24-2006  
SIGLIN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #66.02-2-13 & #66.02-2-19**

Resolution by: Piersimoni

Seconded by: Stewart

WHEREAS this Board has received an application from Carl A. and Robin M. Siglin, owners of tax parcels #66.02-2-13 and 66.02-2-19, for subdivision approval as shown on a survey map by Kenneth R. Decker, Job Number 65-05-3288, dated December 7, 2005;

AND WHEREAS the parcel is located at 66 Hillview Drive in the Residential 1(R1) district;

AND WHEREAS tax parcel #66.02-2-13 consists of approximately 16,500 square feet (0.38 acres) and contains a storage building, and tax parcel #66.02-2-19 consists of 6.385 acres and contains a single family dwelling and barn;

AND WHEREAS the applicant proposes to merge the two parcels and subdivide to create the following:

- Parcel A being 4.494 acres containing a single family dwelling and barn to be retained by the owner,
- Parcel B being 0.546 acres containing vacant land;
- Parcel C being 0.745 acres containing vacant land;
- Parcel D being 0.877 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the R1 district is 35,000 square feet (0.8 acres);

AND WHEREAS parcels B, C, and D will be conveyed to adjacent property owners as indicated on the survey map;

AND WHEREAS the Chemung County Health Department, in correspondence dated March 31, 2006 stated that they have no objection to the Town Planning Board being the lead agency and no objection to the proposal and do not believe they are involved with the project at this point in time;

AND WHEREAS correspondence has been received from the property owners that will be acquiring the subdivided property, stating that they intend to purchase the property and merge said properties with their current properties;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a final *subdivision* plat;

AND FURTHER RESOLVED that the final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject parcels in the form of one Mylar and five original copies to be prepared for approval by the chair.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.

- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Younge

**RESOLUTION P25-2006**

**NOVITSKY SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCELS #67.02-1-6 and #68.00-1-1.11**

Resolution by: Esty

Seconded by: Stewart

WHEREAS this Board has received an application from Harold Novitsky, owner of tax parcels #67.02-1-6 and #68.00-1-1.11, for subdivision approval as shown on a survey map by Dennis J. Weiland, L.S., Job Number 05364, dated September 21, 2005, revised March 10, 2006;

AND WHEREAS the parcel is located at 674 County Route 64, and is located partially in the Residential 1(R1) district and partially in the Rural (RU) district;

AND WHEREAS tax parcel #67.02-1-6 consists of 23.84 acres and contains a single family dwelling, a barn and appurtenances, and tax parcel #68.00-1-1.11 consists of 30,000 square feet (0.688 acres) being vacant land;

AND WHEREAS the applicant proposes to subdivide tax parcel #67.02-1-6 to create the following:

- Parcel A being 0.906 acres, adjacent to County Route 64, containing a single family dwelling,
- Parcel B being 22.934 acres containing a barn, and will not have direct access to County Route 64 and will therefore be landlocked;

AND WHEREAS Parcel B will be merged with tax parcel #68.00-1-1.11 to create one parcel consisting of 23.632 acres, thus Parcel B will not be landlocked after merger of the two parcels;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the R1 district is 35,000 square feet (0.8 acres), and Parcel A will comply with the R1 requirement, and Parcel B will comply with the minimum requirements pursuant to the RU district, being 3 acres;

AND WHEREAS the applicant intends to construct a single family dwelling on Parcel B;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located with 500 feet of County Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for April 25, 2006.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Younge

**CLARK'S BIG FLATS COMMUNITY BUSINESS CENTER  
CONCEPT SITE PLAN  
TAX PARCEL#66.04-4-12.1**

Fleisher described and reviewed the proposed resolution and stated that any use of the existing building would require variances and that the building does have some historic value.

The Board presented the following questions and comments regarding the application before them.

Ormiston asked the applicant, Bradley Clark, if he intends to add any antennas or telecommunication devices on the site. Clark replied that his business uses walkie-talkies; therefore, there would be no need for any antenna.

Fleisher noted that the Clark has indicated that tractor-trailer usage would consist of a maximum of two monthly. Clark replied that typically the materials are delivered to the job site; however, 95% of the deliveries to our business are by box truck.

Clark explained that the rear of the building on the proposed site would house the following four family owned businesses and related storage:

- BC Heating, Plumbing and Air Conditioning,
- BC Service Management (bookkeeping company),
- Clark Electric and Telecommunications and
- BC Electric Incorporated

Maureen Harding, Director of Planning distributed pictures to the Board of Clark's existing site. Clark further explained that the front portion of the building would include rental office spaces. Additional changes to the building would include a new roof and ultimately replacing all of the office windows, Stucco material will be used to cover the exterior. The only changes he proposes to the existing parking lot would be to replace the existing pole located in the middle with underground service and to repaving the lot.

Masler asked if there are any underground storage tanks and who actually owns the property at this time. Clark replied that to his knowledge there are no underground storage tanks and that the ownership is still Hungerford at this time.

Esty asked if chemicals were used in the process inside the building. Clark replied that it is his understanding that the bank did an environmental Audit. Tom Reed, Attorney for the Town, added that the Town had an environmental study done on the parkland that adjoins the property.

Fleisher asked about the old trolley line easement. Art Ambrose, the realtor representing the applicant, explained that Dennis Weiland, L.S. did the survey for the access to the parkland and has been requested to research the former railroad easement; however, he has been told that it is hard to find conveyances. Reed replied that type of easement has come and gone over time.

Stewart asked if the access to the park is on the Hungerford property. Reed replied that when the Town developed the park Hungerford Corporation retained an easement for the back portion going from River Street to their loading dock on the back of the building. However, there are additional accesses to the park. Ambrose commented that a survey map by Kenneth Decker, L.S. shows the easement that Hungerford owns. Reed replied that the easement that was retained by Hungerford was on park property that the Town preserved in accommodation. The Town owns the easement and has full use of the easement but the Hungerford property would keep the right-of-way on the easement.

Clark requested clarification of the ownership of the parking lot concerning liability.

Esty commented that he observed that a large portion of the parking lot seems to be used by the adjoining nursery for plant storage. Clark replied that the adjoining property owner is encroaching and would need to move the plants back. Ambrose commented that a 15 foot buffer strip is required on the west side and the applicant is proposing to plant trees along that side.

Masler asked what he proposes for the metal outbuilding. Clark replied that he would like to paint the building, but does not know at this time a technique used to paint aluminum buildings and that the building would be used for a bucket truck.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P26-2006**  
**CLARK'S BIG FLATS COMMUNITY BUSINESS CENTER**  
**CONCEPT SITE PLAN**  
**TAX PARCELS #66.04-4-12.1**

Resolution by: Stewart  
Seconded by: Ormiston

WHEREAS this Board has received an application for Site Plan approval from Bradley R. Clark for an office and storage use on tax parcel #66.04-4-12.1 as shown on a drawing received March 13, 2006;

AND WHEREAS the property is located at 84 Main Street in the Business Neighborhood (BN) district and is owned by the Hungerford Corporation;

AND WHEREAS the applicant intends to renovate the building for use as office space and incidental storage, and general office is a permitted use in the BN district;

AND WHEREAS there will be no additions to the existing structure;

AND WHEREAS the property has a right-of-way to River Street through the adjacent property to the south, namely the Town of Big Flats parkland, and delivery trucks and service vehicles will access the subject property from the drive off River Street;

AND WHEREAS the property is abutted on the east and the north by the Residential 2 (R2) district containing residential uses, and transitional yards, buffer yards and barrier yards are required pursuant to Chapter 17.36.200 of the Town Municipal Code;

AND WHEREAS the existing principle building is constructed within the required front yard and side yard setback, and does not comply with Chapters 17.16.010 and 17.36.200 of the Town Municipal Code, and the following variances will be required:

- Required 15' side yard setback on the eastern boundary pursuant to 17.16.020,
- Required 25' transition yard on the eastern boundary pursuant to 17.36.200 (C1),
- Required 25' buffer yard on the eastern boundary pursuant to 17.36.200 (D1, footnote 3),
- Required 25' front yard setback on the northern boundary pursuant to 17.16.020,
- Required 25' transition yard on the northern boundary pursuant to 17.36.200 (C2),
- Required 25' buffer yard on the northern boundary pursuant to 17.36.200 (D1, footnote 3);

AND WHEREAS nineteen (19) parking spaces are required for the office use, based on 7500 square feet, and there are no parking requirements for the storage use, and the applicant is proposing twenty (20) spaces;

AND WHEREAS the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Concept Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department Chemung County Planning Board and the Big Flats Department of Public Works;

AND FURTHER RESOLVED that the applicant shall make application to the Zoning Board of Appeals for resolution of the above-listed non-conforming issues, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issues;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
No, other than demolition and rebuilding there is no other means.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No. The building is already there.
3. Is the request substantial?  
Yes.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board finds that there is no feasible way to make the existing building comply with the current code requirements, that failure to grant the variances will render the building unusable, and thereby recommends that the Zoning Board of Appeals grant the required variances;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan showing the following:

- Location of freestanding sign,
- Type and location of exterior lighting;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Younge

**MEMBERS COMMENTS:**

- Esty asked about the status of the moratorium. Tom Reed replied that the Zoning and Planning Task Force meets every Friday.
  - The committee has completed the first part of the process that included incorporating changes to the proposed Comprehensive Plan.
  - It is in the process of reviewing the existing subdivision and site plan laws that the Planning Board uses for the development in the Town.
  - The committee will be looking at what is or is not working, to determine what improvements need to be done and new laws that may be needed, such as: Smart Growth tools, Development Impact Laws, Demolition Delay Laws.
- Maureen Harding commented that the Planning Board have received Checklists that the committee will be reviewing in order to submit recommendations for more productive use of the Planning Board time in reference to site plan and subdivision plan procedures.
- Reed commented that the past Planning Board activity needs improvement, such as; infrastructure construction, all necessary paperwork in order, offer of dedication finalized, the sureties and Letter of Credits in place and followed up. Procedures streamlined so that the Planning Board can focus at the heart of the issues.
- Fleisher reminded the Board of the 10<sup>th</sup> Annual Regional Leadership Conference at Corning Community College on April 13, 2006.

Meeting adjourned at 7:10 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 4/26/2006 10:32:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF APRIL 25, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston  
Lee Younge

**ABSENT:** None

**STAFF:** Maureen A Harding, AICP, Director of Planning

**GUESTS:** Chris Dean, Tom Clark, Mark Watts, Dick Seely, Brad Kapral, Doug Brackley,  
Jamie Gensel, Adrian Van Maarseveen, Marie Caroscio, Bill Horner, Art Ambrose,  
Denise Hoffer-whiting

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of April 4, 2006. Being none, Ormiston made a motion to accept and approve the minutes of April 4, 2006, seconded by Piersimoni. Younge abstained. Fleisher, Piersimoni, Esty, Masler, Stewart and Ormiston were in favor, motion carried.

**RESOLUTION P27-2006  
DEAN FITNESS CENTER  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.04-1-32**

Resolution by: Younge  
Seconded by: Ormiston

**WHEREAS** this Board has received an application for Site Plan approval from Christopher and Teresa Dean for a fitness center use on tax parcel #66.04-1-32 as shown on drawing received April 4, 2006;

**AND WHEREAS** the property is located at 61 Main Street in the Town Center (TC) district and is currently owned by Robert and Ruby Drew;

**AND WHEREAS** the applicant intends to renovate the existing building for use as a Curves fitness center, and fitness center is a permitted use in the TC district;

**AND WHEREAS** there will be no additions to the existing structure;

**AND WHEREAS** the business will maintain hours from 6:30 a.m. to 7:30 p.m.;

**AND WHEREAS** the property is serviced by public water and has a private septic system;

**AND WHEREAS** the building and parking area are constructed in violation of Chapter 17 of the Town Municipal Code regarding setbacks, buffer yards and lot coverage, and the following variances will be required:

- Required 25' front yard building setback on the southern boundary (Main Street) pursuant to 17.16.020,
- Required 15' side yard setback on the northern boundary pursuant to 17.16.020,
- Required 15' buffer yard on the northern boundary pursuant to 17.36.200 (D1, footnote 1),
- Required 15' side yard setback on the western boundary pursuant to 17.16.020
- Required 15' buffer yard on the western boundary pursuant to 17.36.200 (D1, footnote 1),
- The parking lot encroaches the required buffer yards pursuant to 17.36.200(D3),
- The lot coverage exceeds 50% pursuant to 17.16.020;

**AND WHEREAS** nine (9) parking spaces are required for the fitness center use, and the applicant is proposing thirteen (13) spaces;

**AND WHEREAS** the adjacent property owners will be notified of this application pursuant to the Rules of the Planning Board;

**THEREFORE BE IT RESOLVED** to accept the documents submitted as a Concept Plan;

**AND FURTHER RESOLVED** that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the following:

- Chemung County Planning Board
- Chemung County Department of Public Works
- Chemung County Health Department
- Town of Big Flats Water Department
- Big Flats Fire Department

**AND FURTHER RESOLVED** that the applicant shall make application to the Zoning Board of Appeals for resolution of the above-listed non-conforming issues, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issues;

**AND FURTHER RESOLVED** that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
No. The parcel predates the enactment of the current zoning code; therefore, no feasible measure to bring the structure in line with compliance without granting the variances. The reuse of the building is limited.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No. It is a good reuse of the building, providing a mixed use in the community.
3. Is the request substantial?  
Yes. Mathematically speaking it is.
4. Will the request have adverse physical or environmental effects?  
No. The applicant proposes exterior improvements that would most probably improve the exterior of the building.

5. Is the alleged difficulty self-created?

Yes, because, basically, most variance requests are self-created for the purpose of overcoming the non-conforming use. However, it is felt that the reuse of the building would overcome the fact that it is self-created.

**AND FURTHER RESOLVED** that based on the above findings this Board finds that there is no feasible way to make the existing building comply with the current code requirements, that failure to grant the variances will render the building unusable, and thereby recommends that the Zoning Board of Appeals grant the required variances;

**AND FURTHER RESOLVED** that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**BRAUNSTEIN STEEL GARAGE  
PRELIMINARY SITE PLAN  
TAX PARCEL #98.05-2-35.1**

Fleisher described and reviewed the proposed resolution and completed the Short Environmental Assessment Form. He asked the Board for questions or comments.

Ormiston suggested that the maximum height of the building be added to the proposed resolution. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P28-2006  
BRAUNSTEIN STEEL GARAGE  
PRELIMINARY SITE PLAN  
TAX PARCEL #98.05-2-35.1**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS** this Board has received an application for site plan amendment approval from Bernard Braunstein, owner of tax parcel #98.05-2-35.1, for a storage building as shown on a drawing received April 3, 2006;

**AND WHEREAS** the property is 9.43 acres and is located at 127 Hendy Creek Road in the Business Neighborhood (BN) district;

**AND WHEREAS** the applicant intends to construct a 60' x 150' steel building for storage of construction equipment and vehicles used by the owner in the course of his business, and therefore the proposed structure is a part of the principal use of the property and not an accessory structure;

**AND WHEREAS** the proposed height of the structure is approximately 17-feet, which is less than the maximum 35-foot height permitted pursuant to the Town Municipal Code;

**AND WHEREAS** the structure will be located to the rear of the existing buildings approximately 250 feet from Hendy Creek Road;

**AND WHEREAS** there is an on-site drainage basin;

**AND WHEREAS** the adjacent property owners will be notified of this application;

**THEREFORE BE IT RESOLVED** that this Board accepts the document submitted in this application as a Preliminary Plan;

**AND FURTHER RESOLVED** that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the following Involved and Interested agencies:

- Chemung County Planning Board
- Chemung County Department of Public Works
- Chemung County Health Department

**AND FURTHER RESOLVED** that notice of this application be forwarded to the Town of Southport for review and consideration of this action;

**AND FURTHER RESOLVED** that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

**AND FURTHER RESOLVED** that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500' of State Route 225 and the Town of Southport.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MILLER/HESS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #88.00-1-13.11, #88.00-1-13.14, AND #88.00-1-13.15**

Fleisher described and reviewed the proposed resolution and asked if there were any questions or comments. Esty asked for clarification of the application. Maureen Harding, Director of Planning, referring to the tax map, explained that the applicant proposes to merge the parcels that were previously subdivided, then subdivide the 127-acre parcel creating buildable lots with consideration of the stream and buffer requirements. Art Ambrose, realtor representing the applicant explained that there are two houses on one 3-acre parcel.

- The applicant proposes to add 3 acres from their existing 127-acres to the parcel containing the two houses to comply with a request from the Chemung County Health Department for possible future sale of the houses.
- The other part of the application is to update the two approved parcels to comply with the Creek Protection Zone by combining them and adding an additional 5-acres from the 127-acres to the two previously approved parcels creating a fifteen-acre parcel.

There being no further questions or comments, the Board completed the Short Environmental Assessment Form and made a motion to adopt the resolution.

**RESOLUTION P29-2006  
MILLER/HESS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #88.00-1-13.11, #88.00-1-13.14, AND #88.00-1-13.15**

Resolution by: Esty  
Seconded by: Younge

**WHEREAS** this Board has received an application from the Stanley Hess Trust, owner of tax parcels #88.00-1-13.11, #88.00-1-13.14, and #88.00-1-13.15, for re-subdivision and subdivision approval as shown on a survey map by Weiler Associates, Job Number 6658.09, dated August 9, 2004, lastly revised April 5, 2006;

**AND WHEREAS** the parcels are located at 215-219 Coleman Avenue, and is located in the Rural (RU) district;

**AND WHEREAS** tax parcel #88.00-1-13.11 lies partly in the Town of Elmira, and consists of 127.8 acres and contains two single family dwellings and appurtenances located in the Town of Elmira, and a barn located in the Town of Big Flats;

**AND WHEREAS** tax parcels #88.00-1-13.14 and #88.00-1-13.15 each contain approximately five acres of vacant land previously subdivided for building lots;

**AND WHEREAS** the applicant proposes to merge the two vacant lots with tax parcel #88.00-1-13.11, and subdivide said parcel to create the following:

- Lot 1 being 6.252 acres containing the two single family dwellings and appurtenances,
- Lot 2 being 15.235 acres containing vacant land to be sold as a building lot,
- Lot 3 being the balance of the parcel of approximately 112 acres of vacant land;

**AND WHEREAS** pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres;

**AND WHEREAS** the adjacent property owners will be notified of this application;

**THEREFORE BE IT RESOLVED** to accept the documents submitted as a Preliminary Plat;

**AND FURTHER RESOLVED** that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the following Involved and Interested agencies:

- Chemung County Planning Board
- Chemung County Department of Public Works
- Chemung County Health Department

**AND FURTHER RESOLVED** that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

**AND FURTHER RESOLVED** that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500' of the Town of Elmira;

**AND FURTHER RESOLVED** that notice of this application be forwarded to the Town of Elmira for review and consideration of this action;

**AND FURTHER RESOLVED** that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for May 23, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SOARING RIDGE SUBDIVISION AMENDMENT  
PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1 TO 1.8**

Fleisher described and reviewed the proposed resolution and asked for questions or comments. Masler disclosed an affiliation with the applicant. However, he spoke with the Attorney for the Town and was advised that as long as he does not receive a direct beneficial interest and can review the application objectively he may participate in the review of the application.

It was noted that the reason for this application coming before the Board again is that the approved subdivision plat was not filed with the County Clerk within the 62 days prescribed by the Town Municipal Code, along with other reasons for the delay.

James Gensel of Fagan Engineers commented that road names have been added to the drawings.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P30-2006  
SOARING RIDGE SUBDIVISION AMENDMENT  
PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1 TO 1.8**

Resolution by: Stewart  
Seconded by: Ormiston

**WHEREAS** this Board has received an application from the Barrington Associates, owner of tax parcels #77.00-1-1.1, -1.2, -1.3, -1.4, -1.5, -1.6, -1.7, and -1.8, for re-subdivision and subdivision approval as shown on a subdivision plat by Fagan Engineers dated January 16, 2006;

**AND WHEREAS** the parcel is located south of Suburban Drive in the Residential 1 (R1) district;

**AND WHEREAS** final approval was granted by this Board for this subdivision pursuant to Resolution P45-2005, dated June 14, 2005, and the final plat was subsequently endorsed by the Chairman;

**AND WHEREAS** pursuant to Chapter 16.08.040 of the Town Municipal Code the subdivision plat was not filed with the Chemung County Clerk within 62 days, and such final approval expired, and the applicant is required to re-file the subdivision with the town;

**AND WHEREAS** a Negative Declaration was issued pursuant to Resolution P45-2005;

**AND WHEREAS** the adjacent property owners have been/will be notified of this application;

**THEREFORE BE IT RESOLVED** to accept the documents submitted as a Preliminary Plat;

**AND FURTHER RESOLVED** that for environmental review this continues to be Unlisted Action pursuant to SEQRA, and this Board determines that there are no changes to the subdivision plat and therefore reaffirms the Negative Declaration issued pursuant to Resolution P45-2005;

**AND FURTHER RESOLVED** that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for May 23, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler
	<b>NAYS:</b>	Piersimoni
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**BRACKLEY MULTIPLE PURPOSE BARN  
AREA VARIANCE REFERRAL TO ZONING BOARD OF APPEALS  
TAX PARCEL #47.00-1-19.11**

Fleisher described and reviewed the proposed resolution and asked if there were any questions or comments.

Younge asked the applicant to explain the purpose for the barn. Doug Brackley, the applicant, explained that his daughter owns a horse, presently boarded out, and would like to build a barn to meet their additional needs. The plan proposes three horse stalls, a tack room and it is to be constructed of wood. It would be compatible with the house.

Esty asked the rationale behind the limit of 1500 square foot accessory building. Harding replied that the code includes properties that consist of three acres and the impact of the surrounding neighborhood is taken into consideration.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P31-2006  
BRACKLEY MULTIPLE PURPOSE BARN  
AREA VARIANCE REFERRAL TO ZONING BOARD OF APPEALS  
TAX PARCEL #47.00-1-19.11**

Resolution by: Younge  
Seconded by: Masler

**WHEREAS** the Zoning Board of Appeals has referred to this Board an application for an Area Variance from Doug and Brenda Brackley to construct a pole barn larger than permitted as shown on documents received April 11, 2006;

**AND WHEREAS** the property is 99.935 acres and is located at 223 Chambers Road in the Rural (RU) district;

**AND WHEREAS** the applicant proposes to construct a 34' x 70' (2380 square feet) structure for storage of farm equipment, equine equipment, and potentially to house horses;

**AND WHEREAS** Chapter 17.40.020(B2) of the Town Municipal Code permits the maximum size of an accessory structure in the RU district to be 1500 square feet, with two such buildings permitted to be built on one property with a maximum aggregate square footage of 3000 square feet;

**AND WHEREAS** the proposed height of the structure is less than the maximum 24' height permitted pursuant to the Town Municipal Code;

**AND WHEREAS** for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

**AND WHEREAS** pursuant to Chapter 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals;

**AND WHEREAS** the adjacent property owners will be notified of this application;

**THEREFORE BE IT RESOLVED** that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
Yes. The applicant could build two 1500 square foot barns, which would give him more square footage than what he is asking for with the variance.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No. Considering the applicant owns the surrounding, 100-acres it would not impact the neighborhood.
3. Is the request substantial?  
Yes, from a mathematical standpoint.
4. Will the request have adverse physical or environmental impacts?  
No.
5. Is the alleged difficulty self-created?  
Yes.

**AND FURTHER RESOLVED** that based on the above findings this Board determines that the construction of the structure will not have a detrimental effect on the surrounding properties, and therefore recommends approval of this request by the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**KAPRAL ENTERPRISES LLC  
FINAL AMENDMENT SUBDIVISION PLAT  
TAX PARCEL #66.04-4-44.24**

Fleisher described and reviewed the proposed resolution and noted that there would be no change in roads or anything else to the application. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P32-2006  
KAPRAL ENTERPRISES LLC  
FINAL AMENDMENT SUBDIVISION PLAT  
TAX PARCEL #66.04-4-44.24**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS** this Board has received an application from Kapral Enterprises, LLC, owner of tax parcels #66.04-4-44.24 and #66.04-4-43, resubdivision approval as shown on a sketch map submitted April 11, 2006;

**AND WHEREAS** the parcels are located on Goss Road in the Residential (R1) district;

**AND WHEREAS** the parcels were subdivided pursuant to Resolution P64-2004 dated August 3, 2004, and the applicant is requesting approval to alter the common lot line of said two parcels to

increase the lot width of parcel #66.04-4-43 from 130 feet to 150 feet, and to decrease the lot width of parcel #66.04-4-44.24 from 170 feet to 150 feet;

**AND WHEREAS** pursuant to Chapter 16.04.020(K) of the Town Municipal Code, *“If the proposed resubdivision consists solely of the simple alteration of lot lines with no major changes in lot sizes, access, proposed roads, sewage disposal systems and /or public facilities, then normal subdivision procedures may be waived at the discretion of the Planning Board”*;

**THEREFORE BE IT RESOLVED** that for environmental review purposes this Board determines this to be a Type II action pursuant to 6 NYCRR 617.5(c9), and no further review is required;

**AND FURTHER RESOLVED** that pursuant to Chapter 16.04.020(K) of the Town Municipal Code this Board hereby waives the subdivision procedures and grants approval for the resubdivision as requested.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MAY 16<sup>TH</sup> MEETING RESCHEDULED TO MAY 23<sup>RD</sup>**

Fleisher explained that due to the change in the Chemung County Planning Board’s schedule it would be beneficial to reschedule accordingly.

**RESOLUTION P33-2006**

**MAY 16<sup>TH</sup> MEETING RESCHEDULED TO MAY 23<sup>RD</sup>**

Resolution by: Fleisher  
Seconded by: Piersimoni

**WHEREAS** the regular Planning Board meeting is scheduled for May 15, 2006;

**THEREFORE BE IT RESOLVED** that the May 16, 2006 regular Planning Board meeting is cancelled and rescheduled for Tuesday, May 23, 2006 at 6:30 p.m.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Ormiston questioned the criteria with the option of inconsistency with the Comprehensive Plan on the Fitness Center. It was agreed that the option was not suitable.
- Esty questioned is it the general philosophy to preserve all the buildings in the Town, because some are not worth reusing. Harding commented that reuse is in preference to an abandoned or vacant lot.
- Harding commented that variances go with the land. However, if a building should burn down and a request is presented to reconstruct, the applicant would still have to request a variance and/or comply with the code
- Harding recommended that the sidewalk be restored in front of site plan structure. Fleisher commented that the applicant expressed willingness to restore the sidewalk.
- Harding commented that the present owner has agreed to paint over the existing outside mural on the adjoining building.
- Stewart commented that the County owns the three parking spaces in front of the site plan building. Harding replied that the proposed application consist of required parking spaces on the side.
- Ormiston commented that the Target resolution did not contain a sign plan and questions whether the Best Buy signage was approved and does it meet code.
- Younge asked about the Dandy Mini Mart application status. Harding explained that their engineers submitted a revised site plan prior to the moratorium, but their concept plan needed more work so they were sent back to the drawing boards.
- Fleisher commented that the Board is invited to attend the Friday morning Comprehensive Plan meetings from 9 – 10:30 a.m.
- Esty asked about the County Route 64 Corridor Meeting and Younge asked that the Board be notified of the meeting. Fleisher replied that he understood that Sue Phillips, who is doing the study, has completed the study and has sent it to the County Executive, who would schedule a meeting.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MAY 23, 2006**

**6:30 P.M.**  
**REGULAR MEETING**  
**Big Flats Community Center**  
**Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston  
Lee Younge

**ABSENT:** None

**STAFF:** Maureen A. Harding, AICP, Director of Planning

**GUESTS:** Beverly Phillips, Howard Phillips, Adrian Van Maarseveen, Ron Cobb, Chris Dean,  
Denise Hoffer-Whiting, Mark Watts, James Gensel, Art Ambrose, David Kartzman,  
Teresa Dean

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of April 25, 2006. Being none, Ormiston made a motion to accept and approve the minutes of April 25, 2006, seconded by Piersimoni. All were in favor, motion carried.

**PUBLIC HEARING**  
**ROUCEK SUBDIVISION**  
**TAX PARCELS #97.00-1-6.1**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** None  
**AGAINST:** None  
**COMMENTS:** None

Fleisher closed the Public Hearing at 6:33 P.M to reconvene the business portion of the regular meeting.

**RESOLUTION P34-2006  
ROUCEK SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #97.00-1-6.1**

Resolution by: Ormiston  
Seconded by: Masler

**WHEREAS**, this Board has received an application from Ernest Roucek, owner of tax parcel #97.00-1-6.1, for subdivision approval as shown on a survey map by Weiler Associates, Job Number 8303.03, last revised March 2, 2005; and

**WHEREAS**, the parcel is located at 10 Kneale Road in the Rural (RU) district; and

**WHEREAS**, the parcel consists of 9.297 acres and contains two single-family dwellings and appurtenances; and

**WHEREAS**, the applicant proposes to subdivide the parcel to create the following:

- Parcel A being 6.264 acres containing a single family dwelling, garage and shed;
- Parcel B being 2.052 acres containing vacant land;
- Parcel C being 0.981 acres containing a single family dwelling and shed; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres; and

**WHEREAS**, the applicant's attorney submitted a corrected deed showing the merger of parcels B and C thereby creating a single parcel; and

**WHEREAS**, the adjacent property owners have been notified of this application; now

**THEREFORE BE IT RESOLVED**, that this Board approves the preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED**, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and four (4) paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**PUBLIC HEARING  
NOVITSKY SUBDIVISION  
TAX PARCELS #67.02-1-6 and #68.00-1-1.11**

Chair Fleisher called the Public Hearing to order at 6:34 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** None  
**AGAINST:** None  
**COMMENTS:** None

Fleisher closed the Public Hearing at 6:35 P.M to reconvene the business portion of the regular meeting.

**RESOLUTION P35-2006  
NOVITSKY SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCELS #67.02-1-6 and #68.00-1-1.11**

Resolution by: Esty  
Seconded by: Younge

**WHEREAS**, this Board has received an application from Harold Novitsky, owner of tax parcels #67.02-1-6 and #68.00-1-1.11, for subdivision approval as shown on a survey map by Dennis J. Weiland, L.S., Job Number 05364, dated September 21, 2005, revised March 10, 2006; and

**WHEREAS**, the parcel is located at 674 County Route 64, and is located partially in the Residential 1(R1) district and partially in the Rural (RU) district; and

**WHEREAS**, tax parcel #67.02-1-6 consists of 23.84 acres and contains a single family dwelling, a barn and appurtenances, and tax parcel #68.00-1-1.11 consists of 30,000 square feet (0.688 acres) being vacant land; and

**WHEREAS**, the applicant proposes to subdivide tax parcel #67.02-1-6 to create the following:

- Parcel A being 0.906 acres, adjacent to County Route 64, containing a single family dwelling,
- Parcel B being 22.934 acres containing a barn, and will not have direct access to County Route 64 and will therefore be landlocked; and

**WHEREAS**, Parcel B will be merged with tax parcel #68.00-1-1.11 to create one parcel consisting of 23.632 acres, thus Parcel B will not be landlocked after merger of the two parcels; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the R1 district is 35,000 square feet (0.8 acres), and Parcel A will comply with the R1 requirement, and Parcel B will comply with the minimum requirements pursuant to the RU district, being 3 acres; and

**WHEREAS**, the applicant intends to construct a single family dwelling on Parcel B; and

**WHEREAS**, the adjacent property owners have been notified of this application; and

**WHEREAS**, the Chemung County Planning Board, at its May 18, 2006 meeting, motioned to assent to local determination, stating no foreseeable adverse impacts upon intercommunity or county wide interests; and

**WHEREAS**, the Director of Environmental Health of the Chemung County Health Department response to the Planning Board's request for comment and review, dated April 7, 2006, stated the issuance of a permit for the construction of a sewage treatment system is conditioned on the owner connecting to the public water supply that runs along County Route 64; and

**THEREFORE BE IT RESOLVED** that this Board approves the preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED** that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and four (4) paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**PUBLIC HEARING**  
**HESS/MILLER SUBDIVISION**  
**TAX PARCELS #88.00-1-13.11, #88.00-1-13.14, AND #88.00-1-13.15**

Chair Fleisher called the Public Hearing to order at 6:35 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

<b>IN FAVOR:</b>	None
<b>AGAINST:</b>	None
<b>COMMENTS:</b>	None

Fleisher closed the Public Hearing at 6:37 P.M to reconvene the business portion of the regular meeting.

**RESOLUTION P36-2006  
MILLER/HESS SUBDIVISION  
PRELIMINARY PLAT AND FINAL PLAT  
TAX PARCELS #88.00-1-13.11, #88.00-1-13.14, AND #88.00-1-13.15**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS**, this Board has received an application from the Stanley Hess Trust, owner of tax parcels #88.00-1-13.11, #88.00-1-13.14, and #88.00-1-13.15, for re-subdivision and subdivision approval as shown on a survey map by Weiler Associates, Job Number 6658.09, dated August 9, 2004, lastly revised April 5, 2006; and

**WHEREAS**, the parcels are located at 215-219 Coleman Avenue, and are located in the Rural (RU) district; and

**WHEREAS**, tax parcel #88.00-1-13.11 lies partly in the Town of Elmira, and consists of 127.8 acres and contains two single family dwellings and appurtenances located in the Town of Elmira, and a barn located in the Town of Big Flats; and

**WHEREAS**, tax parcels #88.00-1-13.14 and #88.00-1-13.15 each contain approximately five acres of vacant land previously subdivided for building lots; and

**WHEREAS**, the applicant proposes to merge the two vacant lots with tax parcel #88.00-1-13.11, and subdivide said parcel to create the following:

- Lot 1 being 6.252 acres containing the two single family dwellings and appurtenances;
- Lot 2 being 15.235 acres containing vacant land to be sold as a building lot;
- Lot 3 being the balance of the parcel of approximately 112 acres of vacant land; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres; and

**WHEREAS**, the adjacent property owners have been notified of this application; and

**WHEREAS**, the Chemung County Planning Board, at its May 18, 2006 meeting, stated that the proposed action would not result in any significant impacts upon intercommunity or county wide interests; now

**THEREFORE BE IT RESOLVED**, that this Board approves the preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED** that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and four (4) paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**PUBLIC HEARING**  
**SOARING RIDGE SUBDIVISION AMENDMENT**  
**TAX PARCELS #77.01-1-1.1 TO 1.8**

Chair Fleisher called the Public Hearing to order at 6:37 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision amendment. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** None

**AGAINST:** None

**COMMENTS:** Mark Watts, residing at 2866 St. Rte 352, offered the following comments:  
I am developing a subdivision adjacent to this subdivision and would like to combine efforts to work out a lot exchange for the location of the roadway.  
A verbal agreement has been reached with the applicant of the Soaring Ridge Subdivision as to the location of the roadway. Subsequently, I would like to request the Board include Town Municipal Code 16.12.030 in the final resolution, which states that all roadways shall be completed to the property line.

On May 11, 2005, the Director of Building Inspection and Code Enforcement, the Commissioner of Public Works and I surveyed the property using my scale ruler demonstrated that the marked percolation test holes were in my opinion improperly done at only a foot deep versus the 30 inches that is required. James Gensel of Fagan indicated that an anaerobic system would take the place of an accurate percolation test. An anaerobic system needs two acres, which lots 3 and 4 were not.

In the last resolution, there was a surety requirement by this Board stating that there should be a Surety Bond before any construction begins. Has construction started on the second phase of the subdivision before any surety or letter of credit covering the Town in case the applicant does not do what was approved started?

Was Roadway A started without having the storm water pollution prevention and erosion control plans in place and has the New York State Department of Conservation receive an erosion control plan and an update on the final plat plans.

On January 11, 2006, the Town of Big Flats Commissioner of Public Works wrote in a letter indicated that the Soaring Ridge Way road extension had been excavated, but because of weather could not get to the site to evaluate Roadway A for possible erosion. Was a follow-up done? He also indicated that there are springs in the rear of lots 5 and 6. Chemung County Health Department indicated to me that there is a leach field system installed in the homes on these lots. Is this a good combination? These concerns need to be checked out if there is a spring as Wagner indicated.

The records do not include if the required fourth order creek declaration was completed.

On January 12, 2006, the Director of Natural Resources requested mulching be done and that the project warranted riprap check dams in the intermittent stream at the discretion of the engineer. Has this been done?

Fleisher closed the Public Hearing at 6:48 P.M to reconvene the business portion of the regular meeting.

**SOARING RIDGE SUBDIVISION AMENDMENT  
PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1 TO 1.8**

Fleisher described and reviewed the proposed resolution. In lieu of Mr. Watts' comments, Maureen Harding, Director of Planning, replied that the record would reflect that the Town has responded to his previous concerns.

Stewart stated that these comments are a building code issue and not that of the Planning Board. Fleisher commented that any agreement between Soaring Ridge Subdivision owners and Watts is a private agreement between the two private parties and that it is not the purpose of the Planning Board to enforce these agreements. Watts requested that the Board institute in the final resolution, Town Code 16.12.030 where it states that the road must be constructed to the property line, which was also referenced in the letter dated February 28, 2006 from the Town of Big Flats' Commissioner of Public Works. James Gensel, Fagan Engineers, stated that the plat shows the road extended to the property line with the required turn-a-rounds. In addition, Gensel commented that the engineer for the applicant is required to provide as-built drawings which is one of the conditions. Harding commented that Town Code Section 16.12.030 states that the road development period is at the discretion of the Planning Board with regard to different phases of development within the subdivision. Younger commented that it would be impossible for every detail of the drawings to be listed in the conditions on the plat.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P37-2006  
SOARING RIDGE SUBDIVISION AMENDMENT  
PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1 TO 1.8**

Resolution by: Stewart  
Seconded by: Ormiston

**WHEREAS**, this Board has received an application from the Barrington Associates, owner of tax parcels #77.00-1-1.1, -1.2, -1.3, -1.4, -1.5, -1.6, -1.7, and -1.8, for re-subdivision and subdivision approval as shown on a subdivision plat by Fagan Engineers dated January 16, 2006; and

**WHEREAS**, the parcel is located south of Suburban Drive in the Residential 1 (R1) district; and

**WHEREAS**, final approval was granted by this Board for this subdivision pursuant to Resolution P45-2005, dated June 14, 2005, and the final plat was subsequently endorsed by the Chairman; and

**WHEREAS**, a Negative Declaration was issued pursuant to Resolution P45-2005; and

**THEREFORE BE IT RESOLVED**, that this Board approves the preliminary subdivision plat and

accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED**, that the final subdivision plat is approved, and that all conditions of approval pursuant to Resolution P45-2005 remain in effect and shall be complied with as follows:

1. **Payment-in-lieu-of Parkland** – Prior to issuance of any certificate of occupancy, the *applicant shall* pay to the Town the required payment-in-lieu-of parkland of \$4400.00.
2. **Drainage** – The *applicant shall* install all required drainage *structures* pursuant to the proposed engineering and pursuant to the approval and acceptance of the Town of Big Flats Commissioner of Public Works. Any modifications to the drainage *shall* be approved by the Commissioner of Public Works. The *applicant*, and or its heirs or assignees, *shall* maintain all drainage *structures* for five years after dedication to the Town of Big Flats. The failure of any drainage *structure* within said time period *shall* be repaired or replaced by the *applicant*.
3. **Roads** – All *roads shall* meet or exceed Town of Big Flats specifications prior to dedication and acceptance by the Town.
4. **Public Water Supply** – All water lines *shall* meet or exceed Town of Big Flats specifications prior to dedication and acceptance by the Town.
5. **Water District Approval** – Prior to dedication and acceptance of the water supply lines by the Town, all water district extensions, particularly map revisions, *shall* be completed by the *applicant*.
6. **Easements** – All necessary *easements shall* be granted to the Town of Big Flats for required maintenance of *roads*, drainage, water lines, and related facilities.
7. **Driveways** – The Town of Big Flats Department of Public Works *shall* approve *driveways* to each *building lot*.
8. **Noise and Dust during Construction** – The *developer* and builders *shall* take reasonable precautions to prevent excessive noise and dust during construction activities. Sound levels *shall* be in compliance with Section 17.36.260 of the Town Municipal Code. *Roads shall* be kept free from dirt and mud.
9. **As-Built Drawings** – As-built drawings for the *roads*, water lines and drainage *shall* be submitted prior to acceptance and dedication to the Town of Big Flats, or within 60 days of completion of such infrastructure, whichever is sooner. Failure to provide such as-built drawings will render this approval null and void. An electronic copy of the CAD file and a GIS compatible file of the as built drawings *shall* be supplied to the Town.
10. **Surety Requirement**: a *Letter of Credit* in an amount sufficient to cover completion of or failure of any required improvement *shall* be submitted to the Town prior to the start of construction of such improvement. Such *Letter of Credit shall* be approved by the attorney for the Town prior to start of construction.
11. The *developer shall* maintain and/or repair all *improvements* prior to acceptance and dedication of such improvement to the Town.
12. No *Building Permit shall* be issued until these conditions are satisfied as determined by the applicable Town official responsible for the subject condition.
13. **Modification** – Any modification to the *subdivision* plat, other than those approved by the Town of Big Flats Commissioner of Public Works, *shall* be approved only by the Planning Board.
14. **Failure to Comply** – Failure to comply with these or other provisions of the Town Municipal Code will constitute a violation enforceable by legal action.

**AND FURTHER RESOLVED**, that prior to dedication and acceptance of any and all *improvements*, the *developer shall* satisfy the concerns and conditions of the letter from Larry Wagner, Big Flats Commissioner of Public Works dated June 13, 2005 as follows:

- 1) The drainage infrastructure for the *subdivision must* be designed to convey the anticipated runoff in a satisfactory manner. In particular, the issues of sedimentation and erosion need to be addressed. The drainage infrastructure *must* be accessible and require little or no maintenance. In addition, all necessary *easements must* be identified and the dedication of such *easements must* be made an express condition of any approval. The actual dedication of drainage infrastructure will

occur after the *developer* has maintained and corrected any problems for a 5-year period after construction of same.

- 2) Specifically, the proposed drainage *easements* (swale and pipes) located along the estimated 10-12% grades on the southeasterly portion of the *subdivision* appear to be designed with insufficient erosion mitigation measures in place to accept the anticipated runoff and force associated with the water being conveyed to the receiving area. I recommend the reviewing engineer specifically address this concern or the *applicant* provide sufficient detail to ensure such issue has been mitigated.
- 3) The reviewing engineer or *applicant* should review and provide documentation that the drainage from Soaring Ridge will not adversely impact the Suburban/Brookline residential neighborhood. In addition, the reviewing engineer *shall* provide the Town with an estimated amount of the costs necessary to cover repairs or design corrections associated with a failure of the drainage systems. A letter of credit should be required in this amount, posted with the Town and be an express condition of any approval by the Planning Board for a period of 5 years.
- 4) The *roads must* be constructed with ditches and under drains that are sufficient to maintain the integrity of such *roads*. In addition, the requirement of a letter of credit in an amount sufficient to cover the failure of such *roads* should be made an express condition of any approval of this project that of course is also part of the dedication of these *roads* to the Town for a period of 5 years.
- 5) The *roads* that are constructed in phases *shall* be constructed to an intersection or the end of the *road* planned. This will eliminate joints in the middle of a stretch of roadway.
- 6) Finally, the engineering plans reviewed do not show the necessary details associated with the proposed drainage facilities. In particular, but not limited to, the *applicant* should be required to provide the following details as a condition of approval:
  - a. The construction detail on the material utilized to construct the drainage swales such as dirt, concrete, tri-lock, etc.
  - b. The riprap has not been detailed to show the proposed size, quantity, and depth such riprap would be installed.
  - c. The plans do not show the anticipated cubic feet per second of runoff anticipated with the project or the supporting calculations demonstrating the infrastructure can handle the anticipated runoff.
  - d. The details of the pipe installation such as depth, bedding materials, pipe slope, and projected cfs for water flowing through such pipes.
- 7) As-built drawings should be made an express condition of approval.
- 8) A condition of approval should expressly state all infrastructure including *roads*, waterline, drainage facilities, etc. are and remain the *applicant's* responsibility until such infrastructure is formally dedicated to the Town by way of acceptance by *Town Board* approval and the filing of all necessary documents to effectuate the same.

**FURTHER RESOLVED**, that said approval is subject to the following additional conditions:

- The applicant shall submit one (1) Mylar and four (4) paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

**CARRIED:** **AYES:** Masler, Ormiston, Fleisher, Esty, Stewart, Younge  
**NAYS:** Piersimoni  
**ABSTAIN:** None  
**ABSENT:** None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P38-2006**  
**SOUL FULL CUP /COFFEE ROASTERS**  
**MANUFACTURING EXPANSION**  
**FINAL SITE PLAN AMENDMENT**  
**TAX PARCEL #57.02-2-66**

Resolution by: Piersimoni  
Seconded by: Younge

**WHEREAS**, this Board has received an application for Site Plan amendment approval from Joseph Navaie for expansion of the existing coffee roasting manufacturing use on tax parcel #57.02-2-66 as shown on a drawing received February 8, 2006; and

**WHEREAS**, the property is located at 334 Sing Sing Road in the Airport Business Development (ABD) district; and

**WHEREAS**, the applicant intends to construct a 36' x 50' addition to the existing 36' x 30' building; and

**WHEREAS**, pursuant to Resolution P20-2006, the applicant submitted a letter dated April 3, 2006, stating the following:

- Low level plants will be added to the front and side of the new addition;
- A dumpster will be located on the northeast corner of the existing building;
- There will be three employees;
- The hours of operation will be approximately 9 am to 5 pm Tuesday through Friday; and

**WHEREAS**, the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code; and

**WHEREAS**, the Chemung County Health Department, in correspondence, dated May 18, 2006, stated there is no impact on the existing on-site wastewater treatment system; and

**WHEREAS**, the Chemung County Planning Board, at its April 27, 2006 meeting, recommended approval of the project; and

**WHEREAS**, the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board; and

**THEREFORE BE IT RESOLVED**, to approve the documents submitted in this application as a Preliminary Plan and that the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
3. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
4. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
5. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
6. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
7. **Signs** – No additional signage has been approved for this application.
8. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners.
9. **Landscaping** – All landscaping shall be maintained in perpetuity.
10. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

**FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**CLARK'S BIG FLATS BUSINESS CENTER  
FINAL SITE PLAN  
TAX PARCELS #66.04-4-12.1**

Fleisher described and reviewed the proposed resolution and explained that the conditions pursuant to P-26-2006 had not been submitted as required; therefore, the final site plan is to be amended to require that these documents be submitted.

Bradley Clark, applicant, commented that the freestanding sign is to be a temporary sign and that the maximum lighting is to be three security lights of 250 watts each for the parking area.

Ormiston stated that the conditions include that the applicant be in compliance with Chapter 17.52 of the Town Municipal Code and that the applicant should familiarize himself with this code and conduct the project accordingly.

Piersimoni asked if the parking spaces include all potential office personnel. Clark replied that the white building is to be removed to allow for more parking when needed. Younge reminded the applicant that an amended site plan would be required for the removal of that building and the provision of parking. The Short Environmental Form was completed and a motion adopted.

**RESOLUTION P39-2006  
CLARK'S BIG FLATS BUSINESS CENTER  
FINAL SITE PLAN  
TAX PARCELS #66.04-4-12.1**

Resolution by: Younge  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for Site Plan approval from Bradley R. Clark for an office and storage use on tax parcel #66.04-4-12.1 as shown on a drawing received March 13, 2006; and

**WHEREAS**, the property is located at 84 Main Street in the Business Neighborhood (BN) district and is owned by the Hungerford Corporation; and

**WHEREAS**, the applicant intends to renovate the building for use as office space and incidental storage, and general office is a permitted use in the BN district; and

**WHEREAS**, there will be no additions to the existing structure; and

**WHEREAS**, the property has a right-of-way to River Street through the adjacent property to the south, namely the Town of Big Flats parkland, and delivery trucks and service vehicles will access the subject property from the drive off River Street;

**WHEREAS**, pursuant to Resolution P26-2006, the applicant applied to the Zoning Board of Appeals for variances regarding setback, buffer and transitional yard non-compliance issues, and the Zoning Board of Appeals, at its April 17, 2006 meeting, granted the requested variances pursuant to Resolution ZBA2-2006; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated April 13, 2006, stated they are willing to work with the applicant on this project regarding the on-site wastewater treatment system; and

**WHEREAS**, the Chemung County Planning Board, at its April 27, 2006 meeting, returned the application for local determination; and

**WHEREAS**, the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board; and

**WHEREAS**, the Zoning Board of Appeals at its April 17, 2006 meeting granted approval pursuant to Sections 17.16.020 and 17.36.200 of the Town Municipal Zoning Law of the Town of Big Flats; and

**THEREFORE BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, to approve the documents submitted in this application as a Preliminary Plan and that the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
3. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
4. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
5. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
6. **Signs** – The location of one temporary freestanding sign shall be approved for this site. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
7. **Lighting** – Type and location of all exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners; and
8. **Landscaping** – All landscaping shall be maintained in perpetuity.
9. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

**AND FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**DEAN FITNESS CENTER  
FINAL SITE PLAN  
TAX PARCEL #66.04-1-32**

Fleisher described and reviewed the proposed resolution and completed the Short Environmental Form.

Ormiston expressed his concerned with snow removal and that the snow not be piled on the corners to obstruct the clear vision zone at the intersection.

Masler inquired as to the hours of operation. Teresa Dean, applicant, replied that the hours would be 6:30 A.M. to 7:30 P.M. five days a week; 7:30 A.M. – 11:30 A.M. on Saturday and closed Sunday.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P40-2006  
DEAN FITNESS CENTER  
FINAL SITE PLAN  
TAX PARCEL #66.04-1-32**

Resolution by: Younge  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application for Site Plan approval from Christopher and Teresa Dean for a fitness center use on tax parcel #66.04-1-32 as shown on drawing received April 4, 2006; and

**WHEREAS**, the property is located at 61 Main Street in the Town Center (TC) district and is currently owned by Robert and Ruby Drew; and

**WHEREAS**, the applicant intends to renovate the existing building for use as a Curves fitness center, and fitness center is a permitted use in the TC district; and

**WHEREAS**, there will be no additions to the existing structure; and

**WHEREAS**, the business will maintain hours from 6:30 A.M. to 7:30 P.M. five days a week; 7:30 – 11:30 A.M. on Saturday and closed Sunday; and

**WHEREAS**, the property is serviced by public water and has a private on-site wastewater treatment system; and

**WHEREAS**, the building and parking area are constructed in violation of Chapter 17 of the Town Municipal Code regarding setbacks, buffer yards and lot coverage, and the following variances will be required:

- Required 25' front yard building setback on the southern boundary (Main Street) pursuant to 17.16.020;
- Required 15' side yard setback on the northern boundary pursuant to 17.16.020;
- Required 15' buffer yard on the northern boundary pursuant to 17.36.200 (D1, footnote 1);
- Required 15' side yard setback on the western boundary pursuant to 17.16.020;
- Required 15' buffer yard on the western boundary pursuant to 17.36.200 (D1, footnote 1);
- The parking lot encroaches the required buffer yards pursuant to 17.36.200(D3);
- The lot coverage exceeds 50% pursuant to 17.16.020; and

**WHEREAS**, the Zoning Board of Appeals, at its May 22, 2006 meeting, granted the requested variances; and

**WHEREAS**, the Chemung County Planning Board, at its May 18, 2006 meeting, stated that the seven area variances required by the appellants in accordance with the standards set forth in the New York

State *Town Law* would have no foreseeable adverse impacts upon intercommunity or county wide interests and recommended Town Planning Board approval of applicants' site plan subject to any additional approval conditions considered warranted by the Town Planning Board; and

**WHEREAS**, the Chemung County Department of Health, in a memo dated May 19, 2006, stated that there is no negative effect from the use of the current on-site wastewater treatment system, and the system may continue to be used until such time that a new system would be required; and

**WHEREAS**, the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board; now

**THEREFORE BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that the Preliminary Plan is approved and accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
2. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
3. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
4. **Signs** – No freestanding sign has been approved for this application. No signs shall be installed that block the view of pedestrians or vehicular traffic. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
5. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners.
6. **Landscaping** – All landscaping shall be maintained in perpetuity.
7. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

**AND FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P41-2006  
BRAUNSTEIN STORAGE BUILDING  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #98.05-2-35.1**

Resolution by: Stewart  
Seconded by: Masler

**WHEREAS**, this Board has received an application for site plan amendment approval from Bernard Braunstein, owner of tax parcel #98.05-2-35.1, for a storage building as shown on a drawing received April 3, 2006; and

**WHEREAS**, the property is 9.43 acres and is located at 127 Hendy Creek Road in the Business Neighborhood (BN) district; and

**WHEREAS**, the applicant intends to construct a 60' x 150' steel building, height not to exceed 35 feet, for storage of construction equipment and vehicles used by the owner in the course of his business, and therefore the proposed structure is a part of the principal use of the property and not an accessory structure; and

**WHEREAS**, the structure will be located to the rear of the existing buildings approximately 250 feet from Hendy Creek Road; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated May 9, 2006, stated that it is important that this new structure not be located in an area that should be reserved for a replacement on-site wastewater treatment system; and

**WHEREAS**, the Chemung County Planning Board, at its May 18, 2006 meeting, recommended Town Planning Board approval of the applicant's proposed site plan amendment subject to any additional approval conditions considered warranted by the Town Planning Board; and

**WHEREAS**, the adjacent property owners have been notified of this application, now

**THEREFORE BE IT RESOLVED**, to approve the documents submitted in this application as a Preliminary Plan and that the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
3. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to

enforcement by legal action and shall render this approval null and void upon the finding of such violation.

4. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
5. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control.
6. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
7. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners.

**AND FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**DANDY MINI MART  
CONCEPT SITE PLAN  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher described and reviewed the proposed resolution and introduced Ron Cobb of Hawk Engineering to present the site plan application. Cobb distributed several drawings that showed the existing and proposed layout of the site plan. Cobb explained that the newly purchased property would accommodate a new septic system, a bank, a subway and pizza shop, a new fuel island, a new diesel island, parking in the rear for employees, and a new storm water detention system. He informed the Board that the original store would be demolished after the new store is complete. Cobb showed an elevation drawing of an existing Dandy Mini Mart in Pennsylvania similar to the proposed project.

In answer to Younge's questions concerning the proposed dumpster enclosure and deliveries, Cobb replied that a slatted chain link fence would enclose the dumpster. Truck deliveries for products would be in the front of the store.

Esty inquired as to the ingress/egress of the drive. Cobb explained that one of the existing drives would be realigned with right-of-way access to New York State Route 352. Harding added that the New York State Department of Transportation would be reviewing this site plan on May 25th.

Harding explained that the required variances include front yard setback and buffer yard requirements enacted in 2003 for the gasoline-dispensing island.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P42-2006**  
**DANDY MINI MART**  
**CONCEPT *SITE PLAN***  
**TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Ormiston

Seconded by: Younge

**WHEREAS**, this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.0, as shown on drawings by Hawk Engineering, project # 4012, last revised April 11, 2006; and

**WHEREAS**, the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district; and

**WHEREAS**, the existing building and fuel island will be demolished for this project, and a new building constructed that will contain a convenience store with pizza and sandwich sales, a bank with drive-thru, one new gasoline dispensing island, one diesel fuel; and

**WHEREAS**, the applicant has submitted the revised drawings dated April 11, 2006 pursuant to comments from MRB Group, review consultant for the Town, pursuant to Resolution P67-2005, and pursuant to comments from the Planning and Public Works staff of the Town of Big Flats; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study dated April, 2006; and

**WHEREAS**, Maureen A. Harding, Director of Planning, has submitted a Planning Staff Report dated May 15, 2006, identifying the following:

- The gasoline dispensing island is proposed to be constructed in the front yard setback and in the required buffer yard, thus requiring two area variances from the Zoning Board of Appeals;
- There is unsatisfactory pedestrian access from the employee parking lot to the rear entrance of the bank;
- There appears to be inadequate internal traffic circulation control measures and signage is recommended to mitigate potential hazards;
- Provisions should be made to have adequate screening to protect the existing residences across the street from headlights, fumes, etc.;
- Light spillage off the site appears to be unacceptable, and that shielded lighting be required;
- That a construction and maintenance plan be provided to mitigate temporary construction related impacts;
- That this plan and the Traffic Impact Study be reviewed by the New York State Department of Transportation (NYSDOT) for comment; and

**WHEREAS**, the Chemung County Department of Health has approved the proposed new on-site wastewater treatment system; and

**WHEREAS**, the adjacent property owners have been notified of this application, now

**THEREFORE BE IT RESOLVED**, that the applicant shall make application to the Zoning Board of

Appeals for resolution of the above-listed non-conforming issues, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issue; and

**FURTHER RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
Yes, the applicant could construct a smaller business.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No.
3. Is the request substantial?  
No. The percentage of the requested footage does appear substantial.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

**FURTHER RESOLVED**, that based on the findings of the above criteria, this Board determines that though there is a feasible means available to the applicant to achieve the benefit, the requested variances retain the integrity of the surrounding community and thus there will be no detrimental effect on the adjacent properties and thereby recommends that the Zoning Board of Appeals grant the required variances for the gasoline dispensing island; and

**FURTHER RESOLVED**, that this application be forwarded to the NYSDOT for review and receipt of written comment as this property is located on a state highway; and

**FURTHER RESOLVED**, that the applicant shall submit a revised site plan showing the following:

- Sidewalk constructed from the employee parking area to the rear entrance of the bank;
- Location, type and wordage of signage to control internal traffic circulation;
- Location and type of landscaping to be used as screening in the front yard;
- Mitigation plan for light spillage;
- Construction and Maintenance Plan for safety measures during construction; and

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Fleisher then motioned to table the application, seconded by Ormiston as follows:

**THEREFORE, BE IT RESOLVED**, that this application is tabled pending resolution by the Zoning Board of Appeals and required submissions by the applicant.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**KARTZMAN CAFE  
CONCEPT SITE PLAN  
TAX PARCEL #66.04-2-51**

Fleisher described and reviewed the proposed resolution. He introduced David Kartzman to present his application. Kartzman distributed updated concept plans to the Board and explained that he purchased the property last year and that it is to be used as a cafe for breakfast and light lunches. There would be no on-site food preparation; such as deep fryers. We expect that our customer base would be mostly Town people, and expect to electronically do the bulk of our pickup and drop-off orders. There will be outside seating in warmer weather. We recognized that aesthetics is important.

Younge inquired as to the amount of tables anticipated. Kartzman replied that the number of tables would be based on the advisement from the Department of Health.

Ormiston commented that the proposed handicapped parking seemed to be located a long distance from the entrance. Kartzman explained that parking space location is determined by the ramp location. Harding commented that the Zoning Board of Appeals' decision on the variances could affect the parking layout. Esty asked if the employees and customers would share the 10 parking spaces shown. Piersimoni expressed her concern that the parking area appears to be quite a distance in relationship to the food service. Harding replied that a site visit provides a better perspective. Kartzman explained that the entrance in the front of the building would be eliminated. The new entrance would be to the side of the building.

Ormiston asked that the record show that this site plan includes the removal of trees of more than 12 inches in circumference. However, the applicant intends to plant new trees.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P44-2006  
KARTZMAN CAFE  
CONCEPT SITE PLAN  
TAX PARCEL #66.04-2-51**

Resolution by: Younge  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application for site plan approval from David Kartzman, owner of tax parcel #66.04-2-51, for a standard restaurant as shown on a drawing by Hunt Engineers, Project # 5472-001 dated April 7, 2006; and

**WHEREAS**, the property is 1.026 acres and is located at 485 Maple Street in the Town Center (TC) district; and

**WHEREAS**, the property is currently used as a single-family residence, and the applicant intends to convert the property for a standard restaurant; and

**WHEREAS**, the existing garage will be removed for this project; and

**WHEREAS**, the property is serviced by public water and has a private on-site wastewater treatment system; and

**WHEREAS**, one freestanding sign will be installed on the property; and

**WHEREAS**, the anticipated hours of operation will be 6 am to 2 pm, and the anticipated number of employees will be 2 to 4 at any given time based on need; and

**WHEREAS**, the applicant is proposing 10 parking spaces; and

**WHEREAS**, the following site plan features do not comply with Chapter 17 of the Town Municipal Code and will require variances prior to further action by this Board:

- The existing building is constructed in the front buffer yard in violation of Section 17.36.200(D)(2),
- The parking spaces are located in the rear setback in violation of Section 17.16.020; and

**WHEREAS**, the adjacent property owners will be notified of this application, now

**THEREFORE BE IT RESOLVED**, to accept the documents submitted as a Concept Plan; and

**FURTHER RESOLVED**, that the applicant shall make application to the Zoning Board of Appeals for resolution of the above-listed non-conforming issue, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issue; and

**FURTHER RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
No.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No.
3. Is the request substantial?  
No.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
No.

**FURTHER RESOLVED**, that based on the above findings this Board finds that there is no feasible way to make the existing building comply with the current code requirements and thereby recommends that the Zoning Board of Appeals grant the required variance for the building; and

**FURTHER RESOLVED**, that based on the above findings this Board finds that the parking spaces have been located strategically on the parcel and away from the road, thereby retaining the integrity of the neighborhood and thus there will be no detrimental effect on the adjacent properties, and thereby recommends that the Zoning Board of Appeals grant the required variance for the parking spaces; and

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, April 25, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P45-2006  
BRAVO CONCEPT SUBDIVISION PLAT  
AREA VARIANCE REFERRAL  
TAX PARCEL #57.02-2-1**

Resolution by: Stewart  
Seconded by: Fleisher

**WHEREAS**, this Board has received an application from the John Bravo, owner of tax parcel #57.02-2-1, for subdivision approval as shown on a sketch plan received May 2, 2006; and

**WHEREAS**, the parcel is located at 480 Sing Sing Road, and is located in the Residential (R1) district; and

**WHEREAS**, the parcel consists of 5.9 acres and contains a single family dwelling; and

**WHEREAS**, the applicant proposes to subdivide the property to create 10 parcels; and

**WHEREAS**, the parcels will be served by public water and private on-site wastewater treatment systems; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule of the Town Municipal Code the area required for a subdivided parcel in the R1 district is 35,000 square feet (0.8 acres); and

**WHEREAS**, the parcels as proposed do not comply with the minimum lot size, and the applicant is seeking concept approval from the Planning Board prior to completing engineered drawings; and

**WHEREAS**, the adjacent property owners will be notified of this application, now

**THEREFORE BE IT RESOLVED**, that this Board determines the increase in density for this parcel is consistent with the surrounding neighborhood, and accepts the documents submitted as a Concept Plat; and

**FURTHER RESOLVED**, that the applicant will require variances from the Zoning Board of Appeals on the parcels that do not comply with the required minimum lot size; and

**FURTHER RESOLVED**, that the applicant shall submit to this Board a subdivision plat prepared by a licensed design professional identifying exact parcel sizes, exact location of lot lines, and road layout; and

**FURTHER RESOLVED**, that prior to receipt of said plat, this Board will not make any further determinations or referrals to the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**PHILLIPS AREA VARIANCE REFERRAL  
TAX PARCEL #57.01-1-11**

Fleisher described and reviewed the proposed resolution and introduced Beverly Phillips to describe her application before the Board. She explained that they presently have a tent structure and would like to replace it with a metal-clad barn because of the snow problems. They presently have three accessory buildings that include their garage. Harding would like the Planning Board to note that the applicant submitted positive letters of support from all of their neighbors.

Phillips explained that they not only own a large parcel, but that the new barn would be located behind the existing barn, barely visible from the road. She feels that the proposed barn would be aesthetically better than the tent structure and that it would provide them more room for storing the equipment that is presently left outside.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P46-2006  
PHILLIPS AREA VARIANCE REFERRAL  
TAX PARCEL #57.01-1-11**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS**, the Zoning Board of Appeals has referred to this Board an application for two Area Variances from Howard Phillips to construct a third accessory structure, and to have more square footage of accessory structures than permitted, as shown on documents received April 11, 2006; and

**WHEREAS**, the property is 2.051 acres and is located at 319 Hibbard Road in the Residential (R1) district; and

**WHEREAS**, the applicant proposes to construct a 24' x 31' (744 square feet) structure for storage of equipment; and

**WHEREAS**, currently there exists two accessory buildings with a total cumulative square foot area of 1344 square feet; and

**WHEREAS**, the applicant is requesting a third accessory structure, and the total cumulative square foot area of the three buildings will be 2088 square feet; and

**WHEREAS**, Section 17.40.020(B)(2) of the Town Municipal Code permits the maximum size of an accessory structure in the R1 district to be 750 square feet, with two such buildings permitted to be built on one property with a maximum aggregate square footage of 1000 square feet; and

**WHEREAS**, the proposed height of the structure will be 14', and the maximum height permitted pursuant to the Town Municipal Code is 24'; and

**WHEREAS**, for environmental review purposes an Area Variance is a Type II action pursuant to 6NYCRR 617.5, and as such no further review is required; and

**WHEREAS**, pursuant to Section 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners will be notified of this application, now

**THEREFORE BE IT RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
No.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No.
3. Is the request substantial?  
Yes, It is substantial because the request to exceed the Bulk and Density Table by approximately 50%.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

**FURTHER RESOLVED**, that based on the above findings this Board determines that the construction of the structure will not have a detrimental effect on the surrounding properties, that the applicant's needs to house the equipment is valid, and therefore recommends approval of the requested variances by the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

#### **TOWN OF HORSEHEADS INTER-MUNICIPAL REFERRAL HIGHWAY CORRIDOR OVERLAY DISTRICT**

Fleisher asked Harding to explain the proposed resolution. Harding explained that the Town of Horseheads appears to be increasing the density by adding more flexibility in design along the identified routes to accommodate the new development. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

.

#### **RESOLUTION P46-2006 TOWN OF HORSEHEADS INTER-MUNICIPAL REFERRAL HIGHWAY CORRIDOR OVERLAY DISTRICT**

Resolution by: Ormiston  
Seconded by: Younge

**WHEREAS**, this Board has received a zoning referral from the Town of Horseheads pursuant to General Municipal Law 239-n; and

**WHEREAS**, the subject of the referral is the Town of Horseheads intent to establish regulations for a *Highway Corridor Overlay District* (HCOD) for the Miracle Mile, State Route 13 and State Route 14; and

**WHEREAS**, said referral is seeking recommendations or action from the Town of Big Flats regarding such, now

**THEREFORE BE IT RESOLVED**, that this Board determines that the proposed regulations will enhance the development of the HCOD; and

**FURTHER RESOLVED** that this Board does not have comment to said referral.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, May 23, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Ormiston commented that the Zoning Committee needs to establish closer control of signage to avoid visual pollution to the Town Center. Harding recommended that the Board might want to view a free Planning Advisory Service (PAS) circular on "Context-Sensitive Signage Design" available in the Planning Office.
- Fleisher commented that the Town received a letter from property owners on Hibbard Road west that contained about 50 different uses they would like to see developed in the Business Neighborhood 2 (BN2) District adjacent to Town Center. Stewart commented that he resides in that area and had not seen the letter. Harding replied that Stewart's name was on the letter. Fleisher commented that Ron Panosian orchestrated the letter in March. Harding commented that the Planning and Zoning Committee would review the letter during the moratorium.
- Harding commented that she had proposed to the Zoning Board of Appeals at their May 22, 2006 meeting to hold a workshop with the Attorney for the Town within the next two months on procedural issues and local laws. Harding inquired if the Planning Board was interested in participating. The Planning Board affirmed that they were indeed interested.
- Younge informed the Board that the Environmental Management Councils Annual DEC Update Meeting, that is geared to county and town groups with environmental issues will meet Monday, June 19<sup>th</sup>, 9:30-4:00 at the NYS-DEC Headquarters, 625 Broadway, Albany.  
Tentative topics: Invasive species, green products in schools, recycling update, mercury, off road vehicles and legacy sites, legislative update on environmental issues being considered in NYS, Asian Flu, West Nile, requirement for posting EIS on the web, Hudson River/PCBs, wetlands and mapping, air issues such as open burning and wood furnaces, greenhouse gas initiative, etc. Usually the department heads give the presentations and there is always time for questions. Lunch will be provided.
- Esty questioned as to whether there is a consideration of a design code. Harding replied that she is developing landscape design standards, but that it would not be completed until after the moratorium is over.

- Harding commented that there is a Property Maintenance Law before the Town Board for review and should be finalized within the next two months.
- Younge commented on the procedure that the existing Wal-Mart building would require when the stores moves to its new location.
- Harding will distribute to the Board a copy of the Southport Agreement with the County Planning Department to waive small actions for their review and comments.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 8:50 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 6, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston  
Lee Younge

**STAFF:** Maureen Harding, Director of Planning

**GUESTS:** Paul Campbell, Adrian Van Maarseveen

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of May 23, 2006. Being none, Ormiston made a motion to accept and approve the minutes of May 23, 2006, seconded by Esty. All were in favor, with the exception of Stewart who was absent, motion carried.

**SIGLIN AREA VARIANCE  
TAX PARCEL #66.02-2-19**

Fleisher described and reviewed the proposed resolution. During a discussion on several possible sign designs, Esty commented that the Board has authority over the size of the sign and not the style of the sign. There being no further questions or comments, Fleisher asked for resolution.

**RESOLUTION P47-2006  
SIGLIN AREA VARIANCE  
TAX PARCEL #66.02-2-19**

Resolution by: Esty  
Seconded by: Younge

**WHEREAS**, the Zoning Board of Appeals has referred to this Board an application for a sign Area Variance from Robin Siglin, owner of tax parcel # 66.02-2-19, as shown in documents received May 17, 2006; and

**WHEREAS**, the property is located at 66 Hillview Drive in the Residential 1(R1) District; and

**WHEREAS**, the applicant operates a home occupation, permitted as of right pursuant to Chapter 17.12 of the Town Municipal Code, and said applicant is requesting an area variance to install a 24" x 30" (5 square feet) sign in the front yard; and

**WHEREAS**, Section 17.52.050(A) of the Town Municipal Code permits one home occupation sign to be a maximum of two (2) square feet, and such sign is to be affixed to the dwelling unit or installed on a post no higher than eight (8) feet above finished grade; and

**WHEREAS**, for environmental review purposes an Area Variance is a Type II action pursuant to 6NYCRR 617.5, and as such no further review is required; and

**WHEREAS**, pursuant to Section 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners have been notified of this application; and

**THEREFORE, BE IT RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code:

1. *Can the benefit be achieved by other means feasible to the applicant?*  
Yes. The effect could be achieved by other means feasible under the zoning code. For example, it would be possible to gain improved visibility of the sign through the creative use of height, different materials, fonts and type size, colors and design and constructing a more permanent sign affixed to a post.
2. *Will there be an undesirable change in the neighborhood character or to nearby properties?*  
Yes. The surrounding neighborhood is primarily residential, therefore allowing a larger sign than permitted by code for a home business could produce an undesirable change in the character of the neighborhood. Additionally, granting a variance for increase in signage area would result in setting a precedence that is not enjoyed by other property owners within the same zoning district.
3. *Is the request substantial?*  
Yes. The applicant is requesting more than double the allowable size for a sign per code.
4. *Will the request have adverse physical or environmental effects?*  
Yes. A larger sign could have a potential adverse impact to the physical conditions in the neighborhood. This impact is specifically related to the potential for visual impact above and beyond the existing baseline of the residential neighborhood. While the applicant is entitled to the reasonable use of her property, the adjacent property owners within the district are entitled to the protection of valued features and development that complies with the local zoning code.
5. *Is the alleged difficulty self-created?*  
Yes.

**FURTHER RESOLVED**, this Board determines the following:

- The definition of a home occupation sign states that the sign is “used to identify an approved home occupation ...”;
- That the applicant is requesting a larger sign identifying all aspects of the nature of her business;
- The applicant can achieve the benefit sought through increasing font size and type spec as well as the height of the sign through installing it on a permanent “post” no greater than 8’ in height as identified in Section 17.52.050(A);
- The granting of such requested variance poses a potential risk for setting precedence; and

**FURTHER RESOLVED**, that based on the above findings, this Board recommends the ZBA deny the request by the applicant.

**CARRIED:**   **AYES:**           Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni  
                 **NAYS:**           None  
                 **ABSTAIN:**       Stewart due to late arrival at 6:37 P.M.  
                 **ABSENT:**       None

Dated: Tuesday, June 6, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P48-2006**  
**CAMPBELL AREA VARIANCE**  
**TAX PARCELS # 57.02-1-4.2**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS**, the Zoning Board of Appeals has referred to this Board an application for an Area Variance from Paul J. Campbell, owner of tax parcel # 57.02-1-4.2, to construct an addition closer to the property line than permitted as shown on documents received May 22, 2006; and

**WHEREAS**, the property is located at 200 Yawger Road in the Rural (RU) district; and

**WHEREAS**, the applicant proposes to construct an addition to the north side of the existing house, and said addition will encroach the required side yard; and

**WHEREAS**, Chapter 17.16 of the Town Municipal Code requires a 30-foot side yard setback for a one unit dwelling in the RU district, and the applicant is proposing the addition within 20 feet of the property line, thus requiring a variance of 10 feet; and

**WHEREAS**, for environmental review purposes an Area Variance is a Type II action pursuant to 6NYCRR 617.5, and as such no further review is required; and

**WHEREAS**, pursuant to Section 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners have been notified of this application; and

**THEREFORE, BE IT RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code; and

1. Can the benefit be achieved by other means feasible to the applicant?  
No. The physical conditions preclude the applicant from achieving the benefit through strict compliance with the code.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No. It is a rural residential area, composed of open land with the exception of a few neighbors.
3. Is the request substantial?  
Yes. Based on the Town Municipal Code, it is mathematically substantial; however, the encroachment itself is 10-foot. Therefore, it is not substantial.
4. Will the request have adverse physical or environmental effects?  
No. The property owner effectively has submitted a letter of approval from his adjacent property owner.
5. Is the alleged difficulty self-created?  
Yes.

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**FURTHER RESOLVED** that based on the above findings this Board determines that the construction of the addition will not have a detrimental effect on the surrounding properties, that the applicant has demonstrated that there is no other feasible location for the addition, and therefore recommends approval of this request by the Zoning Board of Appeals.

**CARRIED:**   **AYES:**           Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge  
                 **NAYS:**           None  
                 **ABSTAIN:**       None  
                 **ABSENT:**       None

Dated: Tuesday, June 6, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Fleisher asked when the Zoning Board of Appeals would hear the two referrals heard this evening. Harding replied that the Chemung County Planning Board has changed its next meeting date until after the proposed ZBA meeting, therefore, she will need to review the Zoning Board of Appeals meeting agenda.
- Regarding the proposed Schweizer expansion, Ormiston asked if the Town of Big Flats would be the lead agency if the County government owns the property and the proposed structure. Harding replied that there are three possibilities: (1) one of the other agencies could declare lead agency, or (2) both agencies could be a lead agency, or (3) one lead agency could challenge for lead agency. Fleisher commented that the function of the building is a Town interest and a site plan would be required since it is a proprietary action, even if the County owns the building.
- Esty asked Paul Campbell, a representative from the State Police, which roads in the Town could be considered unsafe. Campbell replied that County Route 64 from the Welles bridge east past Simmons-Rockwell has reported a considerable number of accidents. Stewart commented that Simmons-Rockwell has not complied with conditions set by this Board prior to using the sites, thereby adding to the traffic problems. He requested that Code Enforcement must enforce the conditions set by this Board. Fleisher recommended that the attorney for Simmons-Rockwell also be notified of the lack of compliance.
- Esty commented that he noted that the west egress to Target is not as approved by this Board. Harding replied that the ingress/egress is temporary in order to accommodate the existing adjoining business until a correction plan is completed.
- Piersimoni asked how the plans are progressing on County Route 64. Harding replied that she has written emails to Jay Schissell, Director of Elmira-Corning Transportation Council and Jim Clements, Regional Planning and Program Manager for NYS DOT – Region 6 asking about the status, and they have not responded as to the status of the progress to date.
- Harding commented that Tom Reed, Attorney for the Town and she are working on a date for the joint Planning and Zoning Board Workshop.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 27, 2006**

**6:30 P.M.**

**REGULAR MEETING**

**Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston  
Lee Younge

**STAFF:** Maureen Harding, Director of Planning

**GUESTS:** John Bravo

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of June 6, 2006. Being none, Younge made a motion to accept and approve the minutes of June 6, 2006, seconded by Ormiston. All were in favor, motion carried.

Fleisher informed the Board that John Bravo has requested to be added to the agenda this evening for clarification regarding his subdivision application. The Board agreed to the request.

Bravo explained that he has been told many things concerning the code and has come here tonight for clarification from the Board as to what he understands and to request direction as to what he needs to do in order to move his subdivision application forward.

Bravo stated that it is his understanding that the Town prefers that his proposed access road go from Hayes Drive than back onto Sing Sing Road; that his design for a dead-end cul-de-sac would be denied because it does not meet code.

It is also his understanding that the code states that collector roads have to be 800 feet apart, but Hayes Drive and Albert Drive are only 770 feet apart, making it impossible for him to construct his road between these two roads.

He feels that the Law contradicts the rules, because the code does not state that a dead-end road cannot be used due to its topography. The code states that a dead-end road can be accepted if the topography allows it, and the distance between Albert Drive and Hayes Drive does not allow a road to go through and added that his neighbors prefer the road to remain closed.

He asked the Board what his next step should be to move his application forward.

Maureen Harding, Director of Planning, updated the Board that Bravo had spoken with her yesterday concerning this issue and that she explained to him that before the Planning Board can move forward he needs to comply with the motion adopted by this Planning Board at the May 23, 2006 meeting. The motion states that the applicant shall submit a subdivision plat prepared by a licensed design professional identifying exact parcel sizes, exact location of lot lines, and road layout.

Harding summarized that the Planning Board cannot move forward with processing the application for the following reasons: (1) the sketch plan does not conform to the code, and (2) the applicant needs to submit a scaled dimensional drawing to the Planning Board. Once these issues have been met, the Planning Board can recommend that the subdivision go before the Zoning Board of Appeals for variances that would be required as the result of this subdivision. Bravo replied that he prefers not to go before the Zoning Board of Appeals for a variance.

Harding explained that the Commissioner of Public Works, Larry Wagner, stated in his letter, dated June 9, 2006, that "Dead-end roads shall not be permitted unless the applicant can demonstrate that existing topography prohibits the continuation of existing or proposed public roads or private roads."

Fleisher recommended that Bravo should make an appointment with the Commissioner of Public Works to discuss the road issue. Bravo replied that he had not received a copy of the letter and that the Commissioner of Public Works is not easy to get a hold of.

Harding commented that the design of the subdivision is creating the hardship, recommended that the applicant review the design, and should consider alternative designs that would comply with the code.

**RESOLUTION P49-2006**  
**MARTIN EDGER PRELIMINARY SUBDIVISION**  
**TAX PARCEL #46.00-3-16.2**

Resolution by: Ormiston  
Seconded by: Piersimoni

**WHEREAS** this Board has received an application from Martin Edger, owner of tax parcel # 46.00-3-16.2, for subdivision approval as shown on a survey map by Weiler Associates, Job Number 10350.02, dated June 7, 2006; and

**WHEREAS** the parcel is located at 499 Eachers Hollow Road in the Rural (RU) district; and

**WHEREAS** the parcel consists of 14.448 acres and contains a single-family dwelling, and the applicant proposes to subdivide the parcel to create the following:

- Lot A being 3.0 acres, containing vacant land,
- Lot B being 6.198 acres containing the single family dwelling,
- Lot C being 5.25 acres containing vacant land; and

**WHEREAS** pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres, and all parcels comply; and

**WHEREAS** the adjacent property owners have been notified of this application; now

**THEREFORE, BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plat; and

**FURTHER RESOLVED**, that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Department of Health for review and comment of the viability of on-site wastewater treatment systems for each proposed parcel; and

**FURTHER RESOLVED**, that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for July 18, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, June 27, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

#### **TOWN OF HORSEHEADS REGARDING DALRYMPLE OFFICE PARK**

Fleisher described and reviewed the proposed resolution. The Board had the following questions or comments:

Esty asked, how many acres are involved in the application and if it includes the Corning Credit Union. Fleisher replied that it consists of 27 acres and that the referral does not include the Corning Credit Union.

Esty commented as to the increase in traffic on Colonial Drive. Stewart added that the road is undersize for the development and potential development on that road.

The Board discussed their concerns with the left hand merging lane off New York Interstate 86 onto Colonial Drive and questioned as to a plan for a corrective solution. Stewart said that merging lane was suppose to be a temporary solution until traffic increased due to the development in that area. Perhaps the impending traffic study might confirm that an additional lane is needed on Colonial Drive. Harding noted that the proposed site plan referral includes potential restaurants along Colonial Drive that would add considerable traffic to an already busy road.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

#### **RESOLUTION P50--2006**

#### **TOWN OF HORSEHEADS REGARDING DALRYMPLE OFFICE PARK**

Resolution by: Esty  
Seconded by: Piersimoni

**WHEREAS**, this Board has received a zoning referral from the Town of Horseheads pursuant to General Municipal Law Sections 239H, 239L and 239-nn; and

**WHEREAS**, the subject of the referral is the redevelopment of a parcel of land owned by Robert H. Dalrymple on Colonial Drive, adjacent to the New York State Armory building; and

**WHEREAS**, the parcel is located in a Planned Unit Development (PUD) district; and

**WHEREAS**, said referral is seeking recommendations or action from the Town of Big Flats regarding such; now

**THEREFORE, BE IT RESOLVED**, that this Board determines that the proposed redevelopment could have potential significant negative impacts on the adjacent road network as traffic entering and leaving the site will travel on Colonial Drive, and said road is a two lane road without direct access to I86/Route 17; and

**FURTHER RESOLVED**, this Board requests that the Town of Horseheads Planning Board consider the following:

- That the applicant complete a Full Environmental Assessment Form as this appears to be a Type I action pursuant to 6 NYCRR Section 617.4(b)(6)(i), specifically that the action involves the physical alteration of 10 acres or more, and that a copy of said EAF and findings be forwarded to the Town of Big Flats.
- That the applicant complete a Traffic Impact Study, and a copy of said study and findings be forwarded to the Town of Big Flats, with consideration of the potential impacts on the following intersections:
  - Chambers Road South and Exit 51
  - Chambers Road South and Colonial Drive
  - Colonial Drive and Exit 51A
  - Colonial Drive and Hickory Grove Road
  - Colonial Drive and Arnot Road
- That the proposed road that dead-ends at the town line be given careful consideration that the location of said road will be a viable location for future connection should development occur in the Town of Big Flats adjacent to this subject parcel.
- That all driveways to each separate parcel be off an interior road to prevent the creation of several curb cuts along Colonial Drive to achieve controlled access management, and
- That the applicant consider shared access and shared parking lots where achievable in an effort to prevent congestion and traffic back-ups along Colonial Drive within the Town of Big Flats.

**CARRIED:**    **AYES:**                    Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

**NAYS:**                    None

**ABSTAIN:**                None

**ABSENT:**                  None

Dated: Tuesday, June 27, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Piersimoni commented that because the Town is in favor of residential subdivisions, she would like to work with Bravo to help him solve his problems. Harding replied that she has been trying to work with Bravo, but he needs to consider an alternative design that would comply with code or apply to the Zoning Board of Appeals for the road separation distance.
- Esty asked what is the opposition to a cul-de-sac. Harding replied that the Code states that the road system shall be designed with due regards to the needs for convenient traffic access and

circulation; traffic control and safety, access for emergency and area snow removal, street maintenance equipment, and school buses, stormwater drainage, water distribution and sewage disposal.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:00P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JULY 18, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
James Ormiston  
Lee Younge

**STAFF:** Maureen Harding Director of Planning

**GUESTS:** Mike Smith, Brayton Foster, Adrian Van Maarseveen, Carl Carson,  
Ron Cobb, David Kartzman, Mary Jo Yunis, Marc Mancini

**AGENDA**

The Board agreed with the agenda as presented.

**PUBLIC HEARING  
MARTIN EDGER PRELIMINARY SUBDIVISION  
TAX PARCEL #46.00-3-16.2**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** None  
**AGAINST:** None  
**COMMENTS:** None

Fleisher closed the Public Hearing at 6:33 P.M to reconvene the business portion of the regular meeting.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of June 27, 2006. Being none, Ormiston made a motion to accept and approve the minutes of June 27, 2006, seconded by Piersimoni. All were in favor, motion carried.

**RESOLUTION P51-2006  
MARTIN EDGER FINAL SUBDIVISION  
TAX PARCEL #46.00-3-16.2**

Resolution by: Esty

Seconded by: Masler

**WHEREAS**, this Board has received an application from Martin Edger, owner of tax parcel # 46.00-3-16.2, for subdivision approval as shown on a survey map by Weiler Associates, Job Number 10350.02, dated June 7, 2006; and

**WHEREAS**, the parcel is located at 499 Eachers Hollow Road in the Rural (RU) district; and

**WHEREAS**, the parcel consists of 14.448 acres and contains a single-family dwelling, and the applicant proposes to subdivide the parcel to create the following:

- Lot A being 3.0 acres, containing vacant land,
- Lot B being 6.198 acres containing the single family dwelling,
- Lot C being 5.25 acres containing vacant land; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is 3 acres, and all parcels comply; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated July 10, 2006, stated no objection to the proposed subdivision; and

**THEREFORE, BE IT RESOLVED**, this Board approves the Preliminary Plat and accepts the Preliminary Plat as the Final Plat; and

**FURTHER RESOLVED**, the Final Plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and four (4) paper copies of the Final Plat to the Planning Board secretary for endorsement by the Planning Board Chair.
- The applicant shall file the approved plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the approved plat with the Chemung County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**DANDY MINI MART PRELIMINARY SITE PLAN  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Maureen Harding, Director of Planning, updated the Board that the revisions requested by the Zoning Board of Appeals were received, but that more time is needed for an adequate staff and board review. Therefore, she recommended to the Chair that the application be tabled until the Board and staff has had a chance to review the revised drawings.

Piersimoni asked Harding if the New York State Department of Transportation (NYSDOT) has responded to the letter dated June 1, 2004, with several concerns. Harding replied that the staff and

the consultant have met with Mike Griffin from the NYSDOT since that letter concerning the project and that she has not received any written comments concerning her letter that documented the meeting.

Ron Cobb of Hawk Engineering was asked if he would care to present the revisions requested by the Zoning Board of Appeals. Cobb responded that he was not prepared to present; and therefore, the Chair determined that the board would review the revisions and that the applicant's representative present those revisions at the next meeting.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P52-2006**  
**DANDY MINI MART PRELIMINARY SITE PLAN**  
**TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Fleisher  
Seconded by: Younge

**WHEREAS**, this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.2, as shown on drawings by Hawk Engineering, project # 4012, last revised April 11, 2006; and

**WHEREAS**, the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district; and

**WHEREAS**, the existing building and fuel island will be demolished for this project, and a new building constructed that will contain a convenience store with pizza and sandwich sales, a bank with drive-thru, one new gasoline dispensing island, one diesel fuel dispensing island; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study dated April, 2006; and

**WHEREAS**, the Chemung County Department of Health has approved the proposed new on-site wastewater treatment system; and

**WHEREAS**, the Chemung County Planning Board, at its June 22, 2006 meeting, stated, "there is no obvious reason to object to Town approval" and therefore recommends said approval; and

**WHEREAS**, the Zoning Board of Appeals for the Town of Big Flats, at its July 11, 2006 meeting, approved the requested variances with the following condition:

- The building and fuel island must be redesigned to further setback from the front property line by a minimum of twelve feet (12'), but not to exceed fifteen feet (15'); and

**WHEREAS**, the applicant has submitted a revised drawing dated July 11, 2006, showing the required changes; and

**THEREFORE, BE IT RESOLVED**, that this Board tables the Preliminary Site Plan until the revised site plan drawings have been adequately reviewed by this Board and the Town Municipal staff.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**KARTZMAN CAFÉ  
PRELIMINARY AND FINAL SITE PLAN  
TAX PARCEL #66.02-2-51**

Fleisher described and reviewed the proposed resolution and a Short Environmental Assessment Form was completed. He asked the Board for questions or comments. There being none, the resolution was adopted.

**RESOLUTION P53-2006  
KARTZMAN CAFÉ  
PRELIMINARY AND FINAL SITE PLAN  
TAX PARCEL #66.02-2-51**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for site plan approval from David Kartzman, owner of tax parcel #66.02-2-51, for a standard restaurant as shown on a drawing by Hunt Engineers, Project # 5472-001 dated April 7, 2006; and

**WHEREAS**, the property is 1.026 acres and is located at 485 Maple Street in the Town Center (TC) district; and

**WHEREAS**, the property is currently used as a single-family residence, and the applicant intends to convert the property for a standard restaurant; and

**WHEREAS**, the existing garage will be removed for this project; and

**WHEREAS**, the property is serviced by public water and has a private on-site wastewater treatment system; and

**WHEREAS**, one freestanding sign will be installed on the property; and

**WHEREAS**, the anticipated hours of operation will be 6 am to 2 pm, and the anticipated number of employees will be 2 to 4 at any given time based on need; and

**WHEREAS**, the applicant is proposing 10 parking spaces; and

**WHEREAS**, the following site plan features do not comply with Chapter 17 of the Town Municipal Code and will require variances prior to further action by this Board:

- The existing building is constructed in the front buffer yard in violation of Chapter 17.36.200(D2),
- The parking spaces are located in the rear setback in violation of Chapter 17.16.020; and

**WHEREAS**, the Zoning Board of Appeals for the Town of Big Flats, at its July 11, 2006 meeting, approved the required variances; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated July 12, 2006, stating that the current on-site wastewater treatment system is approved for the restaurant use; and

**WHEREAS**, the Chemung County Planning Board, at its June 22, 2006 meeting, returned the issue for local determination stating “no foreseeable adverse impacts upon intercommunity or countywide interests”; and

**NOW, THEREFORE, BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plan, and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6 NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**AND FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that the Preliminary Plan is approved and accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Signs** – One freestanding sign has been approved for this site. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
2. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to pedestrians, vehicular traffic, and to adjoining property owners. .
3. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
4. **Landscaping** – All proposed landscaping shall be installed and maintained in perpetuity.
5. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control.
6. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
7. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

**FURTHER RESOLVED**, pursuant to Chapter 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**ARNOT REALTY  
SITE PLAN AMENDMENT  
TAX PARCEL #58.01-1-61.2**

Fleisher described and reviewed the proposed resolutions and asked if the Board had questions or comments.

- Younge asked Carl Carson, representative of Arnot Realty Corporation, to explain the request for 61 parking spaces and how many employees would be at that site. Carson replied that the 61 parking spaces already exist on the site and that typically there would be seven employees and district meetings at the site.
- Carson replied that if it were a question of removing the 20 parking spaces for landscaping, as Younge suggested, his preference would be to apply for a variances to retain the parking spaces. The site could require the additional parking spaces in the future should it revert to retail use. He further commented that the site has the required landscaping.
- Stewart suggested that the applicant consider signing the 20 additional parking spaces a no parking area in the interim.

Harding reminded the Board that regardless of the applicant agreeing with the 41 parking spaces, he would still need to go before the Zoning Board of Appeals for the parking area adjacent to Colonial Drive that is constructed 13½ “ into the required front setback.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P54-2006  
ARNOT REALTY  
SITE PLAN AMENDMENT  
TAX PARCEL #58.01-1-61.2**

Resolution by: Younge  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for site plan amendment approval from Arnot Realty, owner of tax parcel #58.01-1-61.2, for a change of use of an existing 8364 square foot building as shown on documents received June 21, 2006; and

**WHEREAS**, the property is located at 230 Colonial Drive in the Business Regional (BR) district; and

**WHEREAS**, the property formerly housed the Sears Service Center, and the applicant intends to convert the property office use, and

**WHEREAS**, there be no physical changes to the exterior of the property, and interior work will be performed to create the required office area; and

**WHEREAS**, the parking area adjacent to Colonial Drive is constructed 13½ “ into the required front setback, and pursuant to Section 17.36.200(D)(1) of the Zoning Law, a buffer yard equal to the setback is required, and thus a variance will be required for the encroachment; and

**WHEREAS**, pursuant to Chapter 17.48 of the Zoning Law, an office use requires a minimum of 21 parking spaces with a maximum number of spaces being 41, and the current site plan has 61 parking spaces; and

**WHEREAS**, that the applicant concedes that that there is no demonstrable need for the additional parking spaces and therefore the applicant would present an application to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners have been notified of this application; and

**THEREFORE, BE IT RESOLVED**, that the applicant shall make application to the Zoning Board of Appeals for resolution of the above-listed non-conforming issue, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issue, and

**FURTHER RESOLVED**, this Board finds that the parking encroachment is minimal, is consistent with other development prior to enactment of Section 17.36.200 of the Town Municipal Code, being the buffer/barrier code, and therefore recommends that the Zoning Board of Appeals grant the required variance for the parking encroachment; and

**FURTHER RESOLVED**, the applicant shall provide documentation on the need for the additional parking spaces; and

**FURTHER RESOLVED**, that this Board recommends to the Zoning Board of Appeals to grant the variance for the additional existing parking spaces to remain; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 74; and

**FURTHER RESOLVED**, that this application be forwarded to the Chemung County Department of Public Works for review and written comment as this property is located on a county highway; and

**FURTHER RESOLVED**, that this application is tabled pending resolution by the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MIKE SMITH SOIL MINING OPERATION  
USE VARIANCE REFERRAL  
TAX PARCEL #77.00-1-3 & #77.00-1-39.1**

Fleisher described and reviewed the proposed resolution and asked Mike Smith, the applicant, for comment.

Smith introduced the geologist that would be consulting for the site, Brayton Foster. Smith described that the site would be 150 feet from the river across from Smithome Farms. He presented the following reasons for the requested change in use:

- Flooding continuously presents challenges for farming on the site.
- The depression in the ground that the mining would create would allow the water to flow in and out easily.

- Horse Barns are an allowable use in the Conservation district; however, again, flooding would create problems.
- The site is ideal because the mining activity is not visible from the road.
- NYS Route 352 allows a site distance from the access road of 1,000 foot both ways.

Foster inquired if the Board had received a copy of the DEC Application and then proceeded to outline the following items:

- That water and sedimentation would be addressed,
- Mining activities would stay within the mine boundary, specifically stormwater runoff and siltation.
- That because the site is mapped as floodplain and floodway, it carries a specific set of restrictions from the DEC.
- That part of the site is also mapped a Federal wetland, which further limits activities and requires specific permits.
- That DEC would regulate all the mining activities spelled out in the application. This activity would be monitored by DEC inspections.
- He sees no reason DEC would deny this permit, once no archeological sensitivity or adverse impact to the wetland has been demonstrated.
- DEC can impose special conditions.
- The pit shall be sloped to allow shallow water to prevent an abrupt deep-water pond.

Stewart asked the applicant the following questions:

- Stewart referred to the comment in the application that states, "total anticipated water usage per day" and questioned if that included the use of water to maintain the dust every day on the highway.
- You stated that the silt would be hauled away and put back on site.
- Where is the silt going in the interim? Smith replied that the silt is to be blended with the topsoil.
- So where are you going to put your material for reclamation? Foster replied that the mining process involves dredging material and temporarily allowing the materials to dry. He explained that when you start the mine, the reclamation surface must be started on the far side of the site. Therefore, the first excavation would be on the riverside of the property.
- Are you going to cut and seed the reclamation slope?
- Does the first phase proposal include mining to the top of the gravel surface? Foster replied that yes, there would be gravel exposed, that may or may not be above the water table.

Foster further explained that:

- The cross section of the pond would include a slope of a one-foot to 10-foot water level that is expected to fill in with dirt over several years.
- The topsoil for the subsequent reclamation would be in the un-mined wedge on the far side of the property.

Stewart asked if DEC has discussed special seeding to the wetland. Foster replied that there is a new DEC publication on reclamation that has a variety of seeding rates and they want to see more trees.

- A standard statement in the publication states "Materials unsuitable for mining will be left in place." This is because DEC does not want you to cut and backfill below the mine limits.
- He further commented that the silt being added to the topsoil results in a lower quality product.

Esty asked what is presently growing on the property. Smith replied that corn is presently growing on the property.

Masler noted a discrepancy in the distance of 100 feet between the quoted distance from the river in the DEC Permit application and the applicant's letter, dated January 9, 2006. Foster replied that the 200-foot dimension is scaled from the drawing and the drawing is based on the USGS Topographical Map.

Fleisher asked Harding to discuss the staff report. Harding referred to Section 17.24.010 Flood Damage Prevention Overlay District that is covered by the Chapter 15.12 Flood Damage Prevention Law. Chapter 15.12 indicates that the applicant must do a Technical Study or HEC-RAS evaluation to demonstrate by using a scientific basis that there is no impact to the special flood hazard areas. Foster replied that an engineer would do a HEC-RAS assessment as part of the environmental studies required for the Environmental Assessment Form (EAF) when the mine permit application is submitted. He stated that the DEC would be the lead agency for the EAF.

Harding stated that the application for the use variance triggers a Type I Action for the Zoning Board of Appeals. She further commented that in order for the Zoning Board of Appeals to make a reasoned determination of environmental significance on whether or not there is no impact or alteration to the essential character of the district, the Technical Report would need to be done prior to that determination.

Harding commented that her report recommends a Traffic Report to determine the impact of up to six trucks per hour expected hypothetically entering and leaving the site onto an already highly trafficked highway corridor.

Harding summarized that this application would come before this Board for site plan approval and added that the DEC will be doing an EAF but it will be a Type I Action under the SEQR for their mine permit application. However, the ZBA will also be required to prepare an EAF for the Use Variance as a Type I Action, so the ZBA will have to complete the Part II of the EAF.

Foster asked if the Part I EAF in the DEC Application is adequate for what the Zoning Board of Appeals would need. Harding replied that you only filled out Part I, so for the Zoning Board of Appeals determination, Part II must be filled out by the board.

Masler pointed out that Harding's report stated that the requested use variance does not concur with the Comprehensive Plan. Harding affirmed and stated that the proposed use is a more intensive use; and therefore, it is contrary to the intent of the Conservation district.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P55-2006  
MIKE SMITH SOIL MINING OPERATION  
USE VARIANCE REFERRAL  
TAX PARCEL #77.00-1-3 & #77.00-1-39.1**

Resolution by: Stewart  
Seconded by: Ormiston

**WHEREAS**, the Zoning Board of Appeals has referred to this Board an application for a Use Variance from Michael M. Smith, owner of tax parcels # 77.0-1-3 & #77.00-1-39.1, to permit a mining operation in a district that does not permit such use; and

**WHEREAS**, the property is located off State Route 352 in the Conservation (C) district; and

**WHEREAS**, the applicant proposes to mine topsoil and gravel from 25 acres of a 276 acre farm located on the south side of State Route 352 adjacent to the Chemung River; and

**WHEREAS**, the applicant has submitted the following:

- Application dated June 26, 2006;
- Topography map dated 6/05;
- Mine Plan and Base Map prepared by Brayton P. Foster, consulting geologist, dated 7/1/05;

- Reclamation Plan prepared by Brayton P. Foster, consulting geologist, dated 7/1/05;
- Full Environmental Assessment Form (EAF) dated November 11, 2005;
- Copy of the DEC Mining Permit Application;
- Letter dated June 26, 2006, describing the Use Variance request and addressing the four state-mandated criteria for a Use Variance; and

**WHEREAS**, Chapter 17.12 of the Town Municipal Code, being the Use Requirement table, does not permit soil mining in the Conservation district; and

**WHEREAS**, pursuant to Section 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the applicant states that there will be a maximum of six truck vehicles per hour entering and leaving the site based on loading capacity of the extraction equipment and that there will be no adverse impact associated with traffic; and

**WHEREAS**, the site is located within the Flood Damage Prevention Overlay District (FDPOD) with the potential to alter the area of special flood hazard by said operation of mine without sufficient technical studies to substantiate basis that said activity will minimize the loss of life and threat of destruction to private and public housing and or public facilities; and

**WHEREAS**, for environmental review purposes this referral is a Type II action pursuant to 6 NYCRR 617.5, and no further action is required; and

**WHEREAS**, the adjacent property owners will be notified of this application; and

**NOW, THEREFORE IT BE RESOLVED**, it is the determination of this Board that the Zoning Board of Appeals cannot make findings or a determination pursuant to SEQR based on the current information in this application, and that the ZBA request the applicant to conduct technical studies to determine the impacts to the area of special flood hazard; and

**FURTHER RESOLVED**, this Board finds that the claims by the applicant that there will be no negative impacts to the adjacent road network lacks factual basis, and that the ZBA request the applicant to conduct a more comprehensive study of vehicle traffic impacts to the existing traffic patterns on State Route 352, or that a report from a licensed professional engineer be submitted attesting to the applicant's claims.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RETIREMENT ESTATES**  
**AREA VARIANCES**  
**TAX PARCEL #48.03-2-15.1**

Fleisher described and reviewed the proposed resolution. He asked the applicant, Marc Mancini to discuss his request for the area variances.

Marc Mancini, owner of Retirement Estates stated that the reason for the request for a variance for the three lots is that these three lots are 56 feet wide. In order to sell the lots he would have to place smaller homes on the lots. Smaller homes are difficult to sell and most buyers want garages. All the other lots in the community are 60 feet wide. Smaller specially made homes cost as much as the regular size home; therefore, making it more difficult to market the smaller home

Fleisher commented that it was the feeling of the Executive Committee that the request is not inconsistent with the neighborhood and that all three properties are on the perimeter of the property against the buffer and barrier creating a minimal impact on adjoining lots.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P56-2006  
RETIREMENT ESTATES  
AREA VARIANCES  
TAX PARCEL #48.03-2-15.1**

Resolution by: Ormiston  
Seconded by: Younge

**WHEREAS**, the Zoning Board of Appeals has referred to this Board an application for Area Variances from Retirement Estates, owner of tax parcel # 48.03-2-15.1, to extend the buildable area of three (3) lots as shown in documents received July 3, 2006; and

**WHEREAS**, the property is located off Sing Sing Road in the Senior Housing Planned Multiple Residential District (SHPMRD); and

**WHEREAS**, Section 17.20.080(A)(5)(c) of the Town Municipal Code requires a 25' rear yard setback in the SHPMRD, and the applicant is proposing to construct within 21' of the lot line, thus requiring a variance of 4' on the following lots:

- 61 Retirement Drive,
- 63 Retirement Drive,
- 96 Lazy Circle; and

**WHEREAS**, for environmental review purposes an Area Variance is a Type II action pursuant to 6NYCRR 617.5, and as such no further review is required; and

**WHEREAS**, pursuant to Section 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners will be notified of this application;

**NOW, THEREFORE, BE IT RESOLVED**, based on planning objectives for the Town, this Board determines that the requested variances will be consistent with the surrounding properties, that other properties in the development enjoy the same benefit of having a garage, and therefore recommends approval of the requested variances for all three lots by the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, July 18, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Esty commented that Dunkin Donuts on Chambers Road does not seem to be consistent with the landscaping plan from the approved site plan. Harding replied that Code Enforcement would be notified.
- Younge asked if the Round Table meeting for Monday, July 24, 2006 is still taking place. Harding replied that it is and would be at the Community Center in the Great Room at 6:30 p.m. A poll was taken and only one Planning Board member would not be able to attend.
- Stewart commented that in reference to the Mining Use Variance request he would like to discuss the 1.3 million cubic yards of material to be removed in the next 10 years. He said that he had done a quick calculation during the meeting and estimates that for 130,000 cubic yards of material to be removed and trucked per year, that would amount to 2500 cubic yards a week. Stewart stated that this would result in a minimum of 250 ten-wheel trucks (being 25 ton trucks) entering and exiting the site onto a high volume highway corridor per week.
- Stewart also commented on his concern as to where the waste materials are going and the fact that the area is a floodplain. The applicant has to stockpile the material that they won't be able to sell somewhere on the site.
- Younge commented that she is also concerned with the truck traffic, especially considering the speed limit on that highway and the slow entering and exiting of the trucks to and from the site.
- Esty added that the Traffic Study is only going to estimate the number of vehicles per hour.
- Harding commented that the reason for requesting the truck study was to determine how it was going to effect that intersection and the existing traffic pattern.
- Piersimoni asked about the project on Airport Corporate Park South. Stewart commented that there are no silt fence or permits displayed. There should be a SPDES Permit issued for that property. Under a SPDES Permit, that if you do not use the disturbed soil within 14 days, the SPDES Permit requires that the material is to be seeded and mulched temporarily.
- They discussed the knobs that are allowed to be lower than 50 feet.
- Piersimoni commented that the Corning Water Tower is still standing contrary to site plan approval of the Verizon Cell tower. Harding replied that the Attorney for the Town is addressing that issue.
- Stewart complimented the fact that the Simmons-Rockwell has moved the vehicles parked in the unapproved area.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:50P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF AUGUST 8, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

<b>PRESENT:</b>	Mark Fleisher, Chair	
	Angela Piersimoni	
	Scott Esty	
	Carl Masler	
	Bill Stewart	
	Lee Younge	
	Lance Muir	Alternate
	James Ormiston	Absent

<b>STAFF:</b>	Maureen Harding	Director of Planning
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**GUESTS:** Ron Cobb, Dorianne Riggs, Milt Roy, Mark Watts, Jamie Johnson, David Kost, Ann Clarke, Dean Frisbie, Kim Lorson, Ken Lorson, Michael McDonnell, Stu Schweizer, Brian Gent

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of July 18, 2006. Being none, Piersimoni made a motion to accept and approve the minutes of July 18, 2006, seconded by Muir. Absent were Ormiston and Esty. Fleisher Piersimoni, Masler, Stewart, Muir and Younge were in favor, motion carried.

**DANDY MINI MART  
PRELIMINARY SITE PLAN  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher reviewed the proposed resolution and introduced Ron Cobb of Hawk Engineering to present the revision of the proposed site plan that was tabled for review at the July 27, 2006 Chemung County Planning Board meeting:

Cobb presented the following revisions of the proposed site plan:

- The proposed building has been relocated farther back to the south on the lot to accommodate setback and buffer requirements to the front of the lot.
- The employee parking has been relocated to the east side of the lot.
- A sidewalk has been added that extends from the rear entrance to the front of the building.
- The setbacks to the fuel islands have been increased 20 – 25 feet off the right-of-way to provide a buffer strip,
- Striping details would be submitted to the New York State Department of Transportation (NYS DOT) per their request, due to the existing entrance cuts across the first part of gas island turn lane.

- Additionally, NYS DOT requires review prior to the Highway Permit Application.
- One of the CITGO signs has been changed to a directory sign.

Cobb introduced James Barnes to discuss the signage. Barnes explained that the purpose of the signage is to be able to market the brand of gas sold and to advertise pricing. His understanding is that only 40 square feet of signage is allowed by code for that principle use. He expects to file for a variance in order to advertise the three grades of gas. Harding explained that the applicant is allowed one freestanding sign of 40 square feet and that the total aggregate maximum area of signage is 250 square feet. Harding advised Barnes to work with the Building and Codes Department and to submit the proposed signage for review. Cobb agreed to prepare and submit the drawings of each proposed sign. In answer to Fleisher question, Cobb replied that gas is their principle use.

Fleisher asked if gas prices are mandated by law to be posted. Cobb replied that New York State mandates that prices be posted on the pumps. Posting the prices on the freestanding sign is optional, and that it is not mandated but Cobb explained that it creates a hardship by not being able to communicate your prices to the passing traffic.

Piersimoni asked if propane would be offered to refill tanks. Cobb replied that a propane tank exchange system would be offered where an empty propane tank is exchanged for a filled propane tank. He added that this was not shown on the drawings.

Stewart asked if the applicant intends to stay open while the construction is in process. Cobb explained that until the new Dandy Mini Mart facility is built and operational, the existing Mini Mart would stay open. The existing Mini Mart would be removed after the new Mini Mart is open to allow for the bank and drive-through to be built in that area.

Stewart asked where the ingress/egress is proposed. Cobb showed the ingress/egress on the site plan with a proposed construction barricade in place. Stewart stated that to build a building, change tanks and keep pumps operating would create a traffic hazard with that amount of congestion. Cobb showed an alternate entrance possibility, and that he feels people would go to other places during construction.

Muir agreed that Stewart raised a valid point. Stewart requested that the applicant should present a construction sequence to show what is happening with the traffic during construction operation.

Younge asked if the existing gas islands would be in use during construction. Cobb replied that the existing pumps would remain in use during construction. Fleisher asked if that configuration is part of their discussions with DOT. Cobb replied that the final plan would be discussed with DOT.

Fleisher reminded the Board that the Town would need to be declared the Lead Agency and the Department of Transportation would therefore, be an Involved Agency. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P57-2006**  
**DANDY MINI MART**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Younge  
 Seconded by: Masler

**WHEREAS**, this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.0, as shown on drawings by Hawk Engineering, project # 4012, last revised July 14, 2006; and

**WHEREAS**, the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district; and

**WHEREAS**, the existing building and fuel island will be demolished for this project, and a new building constructed that will contain a convenience store with pizza and sandwich sales, a bank with drive-thru, one new gasoline dispensing island, one diesel fuel dispensing island; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study dated April, 2006; and

**WHEREAS**, the Chemung County Department of Health has approved the proposed new on-site wastewater treatment system; and

**WHEREAS**, the Chemung County Planning Board, at its June 22, 2006 meeting, stated “there is no obvious reason to object to Town approval” and therefore recommends said approval; and

**NOW, THEREFORE, BE IT RESOLVED**, this Board finds the submitted documentation is sufficient for full review by this Board; and

**FURTHER RESOLVED**, that this Board declares itself Lead Agency for purposes of environmental review pursuant to 6 NYCRR 617.6(b) and will complete a coordinated review; and

**FURTHER RESOLVED**, based on review of Part 1 of the Full Environmental Assessment Form submitted by the applicant, this Board determines that there is potential for adverse impacts based on traffic entering and exiting the site on State Route 352; and

**FURTHER RESOLVED**, the applicant shall submit a Highway Work Permit to the New York State Department of Transportation (NYSDOT), and this Board will table final decision on the environmental review until written comments regarding required mitigation are received from NYSDOT.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Masler, Piersimoni, Muir
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Ormiston and Esty

Dated: Tuesday, August 8, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**ARNOT REALTY**  
**SITE PLAN AMENDMENT**  
**TAX PARCEL #58.01-1-61.2**

Fleisher reviewed the proposed resolution and the Board completed a Short Environmental Assessment Form.

Younge commented that it appears that the applicant has removed the excess parking spaces by removing the striping. She suggested “No parking signs” be required. Fleisher commented that a

condition could be added; however, it was felt that the perspective employment would not warrant the concern. Younge agreed.

**RESOLUTION P58-2006  
ARNOT REALTY  
SITE PLAN AMENDMENT  
TAX PARCEL #58.01-1-61.2**

Resolution by: Muir  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for site plan amendment approval from Arnot Realty, owner of tax parcel #58.01-1-61.2, for a change of use of an existing 8,364 square foot building as shown on documents received June 21, 2006; and

**WHEREAS**, the property is located at 230 Colonial Drive in the Business Regional (BR) district; and

**WHEREAS**, the property formerly housed the Sears Service Center, and the applicant intends to convert the property to office use; and

**WHEREAS**, there will be no physical changes to the exterior of the property, and interior work will be performed to create the required office area; and

**WHEREAS**, the applicant has submitted the following documentation pursuant to Resolution P54-2006, July 18, 2006:

- A survey map dated July 24, 2006 identifying that the front parking spaces are located 26 feet from the front property line, thus eliminating the need for a variance,
- A revised site plan received July 24, 2006, showing 41 parking spaces; and

**WHEREAS**, the Chemung County Planning Board, at its July 27, 2006 meeting, recommended approval of the application; and

**WHEREAS** the adjacent property owners have been notified of this application;

**NOW, THEREFORE, BE IT RESOLVED**, this Board finds that the revised documents comply with the Big Flats Zoning Law, and there are no variances required; and

**FURTHER RESOLVED**, to accept the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6 NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**FURTHER RESOLVED**, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, this Board approves the documents submitted as a Preliminary Plan, and the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, the Final Plan is approved subject to the following conditions:

- The applicant shall apply for all applicable permits.
- Prior to occupancy the Director of Building Inspections and Code Enforcement shall approve the parking lot improvements as submitted in the revised site plan.

**CARRIED:** **AYES:** Piersimoni, Masler, Fleisher, Stewart, Younge, Muir  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Ormiston, Esty

Dated: Tuesday, August 8, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

Scott Esty arrived 6:52 P.M.

**THE TIRE CENTER  
FINAL SITE PLAN  
TAX PARCEL #58.03-1-59**

Fleisher reviewed the proposed resolution and asked for questions or comments, there being none, he asked for a motion to adopt the resolution.

**RESOLUTION P59-2006  
THE TIRE CENTER  
FINAL SITE PLAN  
TAX PARCEL #58.03-1-59**

Resolution by: Stewart  
Seconded by: Muir

**WHEREAS**, this Board has received an application for Site Plan amendment approval from David Kost, owner of Kost Tire and Auto Care, for construction of a vehicle repair facility and related infrastructure on tax parcels #58.03-1-59 as shown on a drawing by Fagan Engineer, project #2006.011 last revised June 20, 2006; and

**WHEREAS**, the property is located on the north side of County Route 64 east of Chambers Road in the Business Regional (BR) district; and

**WHEREAS**, pursuant to Resolution P17-2006 dated March 14, 2006, this Board granted final site plan approval to the applicant based on construction of the improvements on two tax parcels, and the revised site plan shows the construction of the improvements on one parcel only; and

**WHEREAS**, the revised site plan contains the following changes:

- 39 parking spaces versus 78 parking spaces,
- 9,421 square foot building versus a 9,450 square foot building; and

**WHEREAS**, the Chemung County Planning Board, at its July 27, 2006 meeting, returned the application for local determination;

**NOW, THEREFORE, BE IT RESOLVED**, for environmental review purposes, this Board affirms the Negative Declaration issued pursuant to Resolution P17-2006, dated March 14, 2006; and

**FURTHER RESOLVED**, this Board accepts and approves the revised Site Plan as the Preliminary Plan, and the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, the Final Plan is approved subject to the conditions set forth in Resolution P17-2006 as follows:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office.
4. **Dumpster** – The enclosure for the dumpster shall be constructed of masonry material.
5. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
6. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
7. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
8. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
9. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
10. **Signs** – One freestanding sign has been approved for this site. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
11. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to pedestrians and vehicular and air traffic.
12. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
13. **Vehicle Sales** – Sales of vehicles as an accessory use is prohibited.

**FURTHER RESOLVED**, that only one trailer for storage of used tires shall be permitted to be stored on the property at any one time.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Masler, Piersimoni, Muir
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Ormiston, Esty

Dated: Tuesday, August 8, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MILT ROY GRAVEL MINING  
PRELIMINARY SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Fleisher reviewed the proposed resolution and asked the Board for questions or comments.

Stewart asked if the existing gravel mine has been reclaimed 100%. Dorianne Riggs, the applicant's daughter, replied that the existing gravel mine has not been reclaimed. Mark Watts of the Chemung County Department of Soil and Water, speaking on behalf the applicant stated that the next mining phase would be used to reclaim the existing mining.

Stewart asked if the existing permit stated that reclamation was to begin when it was done. Briggs replied that the mining on the present phase is not done. Watts explained that the first permit was for the entire 54 acres. The applicant mined the first phase, which consisted of six acres, and phases two, three, four and five are the present sections being mined. Stewart asked again, "Was the original 27-acre permit to be reclaimed on completion and that the applicant is asking for another permit to be permitted to reclaim the previous permit."

Fleisher clarified that the applicant is reclaiming part one with part two. Stewart asked if that is in accordance with DEC process.

Masler asked Watts how the mistake of digging below the water table level happened on the existing permit issued. Watts replied that it was a survey mistake on his part. He requested a modification and the DEC accepted the modification, as shown in the letter of August of 2004. However, a variance was required and due to a lack in communication, it was never done. For some reason, Watts didn't hear anymore about it and assumed that the variance was taken care of. In addition, DEC never wrote a letter to the applicant that a variance had or had not been granted.

Masler asked if the permit was allowed to be violated without consequences. Watts replied that the consequence was a fine that has been taken care of.

Younge expressed her concern that the large trucks would be entering and leaving the mining site at the same time as school buses are picking up the children in the immediate area. Riggs explained that gravel would not be moved until 8 a.m. Esty commented that the Intermediate School starts at 8:25 a.m., so there would be buses traveling Sing Sing at that time. Harding replied that the Town has adopted the Negative Declaration from the DEC and found that there were no traffic impacts. Younge questioned as to DEC's consideration of school buses in their impact studies. Esty commented that after the County makes their determination on the referral, the application would be returned to the Planning Board for consideration of approval. The application then goes to the Town Board for a Special Use Permit.

Fleisher questioned if the Planning Board should contact the school concerning times. Harding replied that it is the applicant's responsibility to demonstrate no impact. Fleisher instructed the applicant to submit in writing to the Planning Department the pick-up places and times of school buses by the next Planning Board meeting on August 29, 2006.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P60-2006  
MILT ROY GRAVEL MINING  
PRELIMINARY SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Resolution by: Younge  
Seconded by: Muir

**WHEREAS**, this Board has received an application for site plan approval from Milton I. Roy, Jr., owner of tax parcel #48.03-2-2.11, for a soil mining operation as shown in documents received July 25, 2006; and

**WHEREAS**, the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district; and

**WHEREAS**, the current approved soil mining operation has been depleted of minerals for extraction, and the applicant is seeking approval to mine an additional 15.4 acres; and

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) granted a mining permit to the applicant on July 20, 2006; and

**WHEREAS**, the applicant intends to reclaim the mining operations in accordance with DEC regulations; and

**WHEREAS**, pursuant to the mining permit issued by DEC the hours of operation of the mine will be Monday through Saturday 7 a.m. to 6 p.m. excluding Sundays and legal holidays, with no processing from 7 a.m. to 8 a.m.; and

**WHEREAS**, pursuant to Section 17.12.010 of the Big Flats Zoning Law, soil mining is a permitted use under site plan approval by the Planning Board and special permit approval by the Town Board; and

**WHEREAS**, this is a Type 1 action pursuant to 6 NYCRR 617.6, and DEC, as Lead Agency, issued a Negative Declaration dated March 29, 2006 based on its review of Part 1 of the Full Environmental Assessment Form for the mining permit, and issued its findings in a narrative dated March 29, 2006; and

**WHEREAS** the adjacent property owners will be notified of this application;

**NOW, THEREFORE, BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, this Board accepts and adopts the environmental review findings of DEC dated March 29, 2006, and concurs with the issuance of a Negative Declaration of said review; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17/Sing Sing Road; and

**FURTHER RESOLVED**, this application is tabled pending review by the Chemung County Planning Board.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Masler, Piersimoni, Muir
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Ormiston, Esty

Dated: Tuesday, August 8, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**KEN LORSON/SUNOCO SERVICE STATION  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-61**

Fleisher reviewed the proposed resolution and asked for questions or comments, there being none, he asked for a motion to adopt the resolution.

**RESOLUTION P61-2006  
KEN LORSON/SUNOCO SERVICE STATION  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-61**

Resolution by: Piersimoni  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for Site Plan approval from Ken Lorson for a motor vehicle filling station use on tax parcel #66.02-2-61 as shown in documents received July 24, 2006; and

**WHEREAS**, the property is located at 100 Canal Street in the Town Center (TC) district; and

**WHEREAS**, a motor vehicle filling station is a permitted use in the TC district; however the station was out of operation for more than one year and pursuant to Section 17.56.020(B) the use shall be in conformity with the Big Flats Zoning Law; and

**WHEREAS**, there will be no additions to the existing structure; and

**WHEREAS**, the property is serviced by public water and has a private septic system; and

**WHEREAS**, the following signs exist on the property:

- 102 square foot freestanding sign on Canal Street,
- 80 square foot freestanding sign along the highway boundary,
- 27 square feet of canopy signage,
- 19 square feet of façade signage; and

**WHEREAS**, the fuel island and signage are constructed in violation of Chapter 17 of the Town Municipal Code, and the following variances will be required:

- The fuel island totally encroaches the required 25' front buffer yard,
- The freestanding sign is 11 square feet larger than the maximum allowable area being 40 square feet; and

**WHEREAS**, pursuant to Chapter 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals; and

**WHEREAS**, the adjacent property owners will be notified of this application pursuant to the Rules of the Planning Board;

**NOW, THEREFORE, BE IT RESOLVED**, to accept the documents submitted as a Concept Plan; and

**FURTHER RESOLVED**, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6 NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the following agencies:

- Chemung County Planning Board
- Chemung County Department of Public Works
- Chemung County Health Department
- Town of Big Flats Water Department
- Big Flats Fire Department

**FURTHER RESOLVED** that the applicant shall make application to the Zoning Board of Appeals for resolution of the above-listed non-conforming issues, and this Board will not take any action pursuant to SEQR until such time that the Zoning Board of Appeals rules on said non-conforming issues; and

**FURTHER RESOLVED**, this Board finds that there is no feasible way to make the existing fuel island comply with the current code requirements, and thereby recommends that the Zoning Board of Appeals grant the variance for the fuel island; and

**FURTHER RESOLVED**, this Board finds that the additional signage on the free-standing sign on Canal Street is not excessive and recommends the Zoning Board of Appeals grant the requested variances for said sign; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17 and New York State Route 17/ I-86.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Fleisher, Esty, Stewart, Younge, Muir
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Ormiston

Dated: Tuesday, August 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SIKORSKY HAWK WORKS  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.02-2-60**

Fleisher described and reviewed the proposed resolution and asked Michael McDonnell, of McFarland-Johnson, Inc. to present the application to the Board.

Ann Clarke, Manager of the Elmira-Corning Regional Airport, addressed the Board and clarified that the County Legislature will be Lead Agency for SEQR. Fleisher stated that this Board would comment on the Legislature's decision.

McDonnell described the proposed site plan:

- The location of the site would be on airport property across from Daniel Zenker Drive. It will include a typical office area and two manufacturing buildings. Building #2 located behind building #1 is to house the actual flight operation.

- The site plan shows that the current T-intersection of Daniel Zenker Drive and Kahler Road North will become a cross intersection with a (2) two-lane access drive into the proposed Black Hawk facility.
- The 24-foot wide two-lane access drive is designed to accommodate the traffic in and around the facility.
- An open gate at the entrance will only be closed during an emergency lockdown.
- A guard station controls a vertical control gate to allow entrance to the main buildings.
- The delivery access is separate from the visitors and employee entrance, which is designed to accommodate deliveries by tractor-trailers, etc.
- The proposed parking spaces are to be 10 x 20 feet that includes handicapped, motorcycle and bicycle parking areas.
- The office area will be a neutral color split-faced block exterior with a stone band across the bottom of a pre-engineered metal building. Canopies will be located over the main and employee entrances.
- Both the office and manufacturing building will be a neutral color; pre-engineered buildings with metal roofs.
- The manufacturing area will include: painting bays, washing, hanger operations, storage, and maintenance (off from the maintenance area is a place for self-contained hazardous material storage), restrooms, two docks for shipping and receiving, and a loading pad for the dumpsters that will be screened.
- In the rear of building #1, there will be a transition holding ramp, exhaust and intake for the paint booths and receiving doors, a helicopter ramp (tow transition area) designed to move the aircraft in and out of the facility to the flight operations building and helicopter storage areas and support pads to set a Black Hawk or whatever type of aircraft being manufactured at this facility.
- Should it be needed in the future, an expansion area for both the building and the parking are shown.

Fleisher asked McDonnell to elaborate on two things:

1. The Federal Aviation Administration (FAA) procedures for the noise study.

McDonnell explained that because noise is everyone's main concern, McFarland-Johnson, Inc. has arranged to have a Black Hawk helicopter in the area and various setups around the airport to do the static test in order to get the noise data and noise readings with sensitive receptors.

Clarke explained that the County Legislature would have enough information to make its determination on SEQR by August 28, 2006 Fleisher added that by the next Planning Board meeting the members should know what mitigation is necessary. Harding added that even after that determination, the FAA may require even more mitigation.

Clarke added that the applicant is requesting authorization from the Planning Board to start excavating for building in the spring of 2007. A report would be prepared for the FAA with the data, modeling analysis and an executive summary with a technical memorandum that would show what the impacts are and what mitigations are necessary. This report would include a table for easier determination on noise impacts. The FAA has requested a 60-day review period.

2. The traffic analysis

McDonnell explained that the Traffic Impact Study evaluated the existing traffic conditions on Kahler and Daniel Zenker without the facility and then the proposed impact with the Sikorsky Hawk Works project at the intersection. The Traffic Study did not warrant a traffic signal.

One option was leaving the intersection with a stop sign on Daniel-Zenker Drive with free flowing traffic along Kahler Road and was part of the analysis considered in the Traffic Impact Study. With a left hand turn movement from Kahler Road onto Daniel Zenker Drive under the existing conditions, the Level of Service is "D."

An analysis with the proposed new site condition was determined at a Level of Service “E.” It decreased for the Level of Service with a left hand turn, indicating that a four-way stop intersection similar to what is over by Schweizer’s facility would be sufficient. This Level of Service changed from “E” up to a “B” to increase the Level of Service on those left hand turns.

Young asked how many employees are anticipated. Schweizer replied that there would be a total of 130 employees, but that the numbers would increase gradually. There would be approximately 108 or 109 on the day shift.

Esty commented that he is concerned that the proposed access road would create stacking onto the main highway considering the number of employees coming at once with the gates and guard stops. McDonnell stated that stacking was considered and that it was determined that the employees would be recognized by the guard and that the traffic would pass through quickly. Another option considered is an identification system where the employee slides their badge through a meter. The access drive allows for five cars before they would be in the roadway.

Approximately eight (8) heavy (tractor-trailer) delivery trucks a day are proposed and this number includes panel trucks; such as UPS trucks. Delivery vehicles will be separated into the inside lane similar to what you see on the Thruway and the drive will have room for two large tractor-trailer before being in the roadway.

The volume of traffic did not support a right-hand turning lane into the facility.

Piersimoni asked what are the proposed hours of operation. Stu Schweizer, owner of Schweizer Aircraft, explained that the hours of operation would consist of two shifts: The first shift would be from 6:45 a.m. to 3:45 p.m. and the second shift from 4 p.m. to 12:30. Presently there is no third shift planned but there is always a possibility.

Fleisher asked what are the testing times for the noise study. Schweizer explained that the testing would be done during the daylight hours, approximately 7:00 a.m. to 5:00 p.m.

Fleisher asked how the finished aircraft would be transported. Schweizer replied that he believes that the majority of the helicopters would fly away under their own power. Parts would be trucked or flown in.

Stewart asked how many helicopters would be tested per day. Schweizer replied that the average hours of ground testing would average 2 – 3 hours per aircraft and that only 24 aircrafts per year are proposed.

Clarke interjected that the ground testing would be done on the airport, not at the site. This plan not only has to do with SEQR requirements but also with FAA requirements. The National Environmental Policy Act provides another level of environmental review in addition to the State Full Environmental Review process.

Fleisher asked Clarke to review additional mitigation available if needed other than location. Clarke replied that if further mitigation is needed, berms and acoustic noise barriers would be considered to cushion the sound along the highway.

Piersimoni questioned the security relying on one guard to know 130 employees immediately. Schweizer replied that there would be additional security beyond the gate. The Sikorsky Security Department has reviewed and approved the security plan. Also, for security purposes, the fence around the Sikorsky Hawk Works would also be the airport boundary fence.

Masler asked how much fill is needed to bring the site up to the finished floor elevation of 934. McDonnell replied that the fill is going to vary at a maximum of 5 feet. There would be a foot eliminated from the overburden at the site before commencing the fill activities.

Esty asked if the facility were to change use in the future for various reasons, what other primary use on the airport property could this facility be used. The Sikorsky lease is for 15 years. The only operation considered would be a manufacturing operation related to the airport. It would have to be authorized by the FAA and anything other than manufacturing would have to be reviewed by the Planning Board. Clarke replied that this property would be too valuable to consider any use other than an airport dependent use and cited an example that an application was recently received for a 50,000 square foot facility on the airport.

Lance asked if there would be any bulk storage requirements. Schweizer replied that there would be various types of materials classified as hazardous which are very similar to materials used at the current facility. There will also be some pyrotechnic materials that will be closely monitored and require a license to handle. Harding asked if FAA would require a Spill Prevention Plan be in place. Clarke replied that that part of the plan is included for fuel, etc. McDonnell added that the site would contain a self-contained hazardous area. The Big Flats Fire Department will be involved to service the airport in case there is a spill or hazard emergency in addition to the Airport Fire Department who have foam trucks.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P62-2006  
SIKORSKY HAWK WORKS  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.02-2-60**

Resolution by: Muir  
Seconded by: Stewart

**WHEREAS**, this Board has received an application from Chemung County Industrial Development Agency for site plan approval for a manufacturing use to be located on tax parcel # 57.02-2-60, as shown on drawings by McFarland-Johnson Engineers, project # 16840.00, dated July 25, 2006; and

**WHEREAS**, the property is located on Chemung County Airport property at the intersection of Kahler Road North and Daniel Zenker Drive in the Airport Business Development (ABD) district; and

**WHEREAS**, the applicant proposes to construct the following:

- 86,400 square foot manufacturing building with an attached 7,500 square foot office building,
- 6,400 square foot flight operations building,
- 150 square foot guard station,
- Parking spaces for 120 vehicles,
- Security fencing,
- Associated infrastructure; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study dated July, 2006; and

**WHEREAS**, for environmental review this action is an Unlisted Action in accordance with 6 NYCRR 617.3, and the Chemung County Legislature will be the Lead Agency and this Board will complete a separate review of the potential environmental impacts by completing Part 2 of the Environmental Assessment Form submitted by the applicant; and

**WHEREAS**, the applicant is presently completing an analysis of the noise impacts associated with the testing of the helicopter engines on the airport grounds to determine mitigation efforts required for noise impacts; and

**WHEREAS**, the adjacent property owners will be notified of this application;

**NOW, THEREFORE, BE IT RESOLVED**, this Board accepts the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, that this Board has no objection to the Chemung County Legislature being the Lead Agency for environmental review pursuant to SEQRA; and

**FURTHER RESOLVED**, upon review of Part 1 of the Full Environmental Assessment Form, this Board finds that the applicant has successfully mitigated any potential significant adverse impacts except for the noise associated with the testing of the helicopter engines; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 63 (Kahler Road); and

**FURTHER RESOLVED**, this application is tabled pending submission of the noise analysis documentation.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Fleisher, Esty, Stewart, Younge, Muir
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Ormiston

Dated: Tuesday, August 8, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Fleisher commented that he realizes the parking spaces at the new Target Store are within code, but the space is tight. This code may need to be reviewed.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:52 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF AUGUST 29, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
Lee Younge  
James Ormiston

<b>STAFF:</b>	Maureen Harding	Director of Planning
	Dean Frisbie	Town Board member
	Mary Ann Balland	Town Supervisor
	Lance Muir	Planning Board Alternate

**GUESTS:** Dorianne Riggs, Milt Roy, Mark Watts, Scott Moore

**AGENDA**

The Board agreed to table agenda items numbered 3) being Sikorsky Hawk Works at Schweizer Aircraft, 4) being Brotter Concept Subdivision Plan, and 5) being Mullen Concept Subdivision Plat because of information that was requested by the board previously was not yet available for the review of the new documentation. In addition, the rescheduling of the October 10th, 2006 Regular Planning Board meeting was added to the agenda.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of August 8, 2006. Piersimoni stated that there needed to be three minor spelling/typo corrections to the August 8, 2006 meeting minutes. Ormiston made a motion to accept and approve the minutes of August 8, 2006, as amended, seconded by Piersimoni. All in favor, motion carried.

**MILT ROY GRAVEL MINING  
FINAL SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Fleisher reviewed the proposed resolution and explained that the application will be tabled pursuant to Resolution P60-2006 requiring comments from the Chemung County Planning Board.

Fleisher discussed the following conditions to be added to the final site plan.

1. Failure of the applicant to obtain Special Permit approval from the Town Board shall cause any site plan approval to be null and void,
2. The applicant shall meet all of the conditions imposed by the Department of Environmental Conservation on the Mining Permit approval as a condition of any site plan approval given by this board.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P63-2006  
MILTON ROY GRAVEL MINING  
FINAL SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Resolution by: Esty  
Seconded by: Fleisher

**WHEREAS**, this Board has received an application for site plan approval from Milton I. Roy, Jr., owner of tax parcel #48.03-2-2.11, for a soil mining operation as shown in documents received July 25, 2006; and

**WHEREAS**, the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district; and

**WHEREAS**, the current approved soil mining operation has been depleted of minerals for extraction, and the applicant is seeking approval to mine an additional 15.4 acres; and

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) granted a mining permit to the applicant on July 20, 2006; and

**WHEREAS**, the applicant intends to reclaim the mining operations in accordance with DEC regulations; and

**WHEREAS**, pursuant to the mining permit issued by DEC the hours of operation of the mine will be Monday through Saturday 7 a.m. to 6 p.m. excluding Sundays and legal holidays, with no processing from 7 a.m. to 8 a.m.; and

**WHEREAS**, pursuant to Section 17.12.010 of the Big Flats Zoning Law, soil mining is a permitted use under site plan approval and special permit approval by the Town Board; and

**WHEREAS**, this is a Type 1 action pursuant to 6 NYCRR 617.6, and DEC, as Lead Agency, issued a Negative Declaration dated March 29, 2006 based on its review of Part 1 of the Full Environmental Assessment Form for the mining permit, and issued its findings in a narrative dated March 29, 2006; and

**WHEREAS**, this Board adopted said findings pursuant to Resolution P60-2006 dated August 8, 2006; and

**WHEREAS** the adjacent property owners have been notified of this application; and

**NOW, THEREFORE, BE IT RESOLVED**, this application is tabled until September 19, 2006, pending comments by the Chemung County Planning Board.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, August 29, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**RESOLUTION P64-2006**

**PLANNING BOARD MEETING RESCHEDULED**

Resolution by: Fleisher

Seconded by: Younge

**WHEREAS**, the regular Planning Board meeting scheduled for October 10, 2006;

**NOW, THEREFORE, BE IT RESOLVED**, that the October 10, 2006 regular Planning Board Meeting was rescheduled for October 12, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, August 29, 2006

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**MEMBERS COMMENTS:**

- Esty inquired as to the status of the Zoning Law Amendments Public Hearing scheduled for August 30, 2006. Harding replied that several comments were received. The comments were mostly regarding the vacant building and demolition surety law. Esty commented that he understood that the County has issues with four of the six proposed laws. Harding replied, yes, the County is opposed to proposed Local Laws 6, 7, 8, and 11.
- Mary Ann Balland, Town Supervisor, commented that the Town Center Committee spent months reviewing and consolidating zoning concerns expressed by the residents of Big Flats. After several months of hard work, these concerns were then forwarded and reviewed again by the Zoning and Planning Citizen Advisory Committee. These laws are products of these concerns.
- Harding commented that some of the newspaper articles have interpreted the proposed laws inaccurately. She is encouraging the public to review the proposed laws on the Town's website [www.bigflats.gov](http://www.bigflats.gov)
- Muir commented that the newspaper articles associated the proposed laws as an event rather than a process. That the purpose of the proposed laws is a process in which businesses would be held accountable for their property to prevent future expense to the taxpayers of the Town and to prevent eyesores, such as an abandoned building, that devalues the invested interest of everyone in the Town. These proposed laws should be viewed as the first step and open for reevaluation.
- Esty inquired as to the number of communities in New York State that have the Demolition Law. Harding replied that the Attorney for the Town would be better equipped to answer questions regarding the law, because he did the research. Harding added that law is not a new idea. It is being implemented all over the nation. Fleisher commented that the proposed law threshold of 40,000 square feet eliminates most residential dwellings and small business owners.
- Younge asked the Town Supervisor who was present to explain the proposed laws to the County Planning Board. Balland commented that in retrospect a representative from the Town should have been present at the County Planning Board meeting to present the proposed laws. Harding

replied that all necessary information had been provided. Muir added that the misinterpretation by the newspapers could have been avoided with the Town presenting the information.

- Harding encouraged the members of the Planning Board to record their comments as part of the record and to submit their comments to the Town Board.
- Balland commented that a Public Hearing on the proposed local laws is scheduled for August 30, 2006. This is a Public Hearing only and no voting will be done on that night. All comments received will be reviewed with the Zoning and Planning Citizens Advisory Committee and expects at least a month before a vote is proposed. She informed everyone that the Public Hearing will be recorded and is open to the public.
- Masler commented that the Planning Board's adoption of Commercial Net Lease (CNL) aka Target site plan included that the traffic plan not allow left hand turns out of the westerly exit. He suggested that CNL add additional signs to prevent these illegal turns. Balland replied that the Sheriff Department has been notified. Dean Frisbie, Town Board member, liaison to Planning Board and deputy Sheriff was present and commented that a sting operation is in effect in that area and a fine would be enforced.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 6:53 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF SEPTEMBER 19, 2006**

**6:30 P.M.**  
**REGULAR MEETING**  
**Big Flats Community Center**  
**Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty Arrived 6:37 p.m.  
Carl Masler  
Bill Stewart  
Lee Younge  
James Ormiston

**STAFF:** Maureen Harding Director of Planning  
Lance Muir Planning Board Alternate

**GUESTS:** Adrian Van Maarseveen, Dave Shoen, Ann Clarke, George Miner, Kim Lorson, Ken Loren, Pam Farr, Dorianne Riggs, Milt Roy, Scott Moore, Tom Wren, John Wren, Michael McDonnell

**AGENDA**

The Board agreed to add to the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of August 29, 2006. Being none, Ormiston made a motion to accept and approve the minutes of August 29, 2006, seconded by Piersimoni. Esty was absent at this time. Fleisher, Piersimoni, Masler, Stewart, Younge, Ormiston were in favor, motion carried.

**MILTON ROY GRAVEL MINING  
FINAL SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Fleisher reviewed that because the Chemung County Planning Board's review and determination has not been received this application was tabled at the August 29<sup>th</sup> Planning Board meeting.

Fleisher read the comments received from the Chemung County Health Department Director recommended approval subject to any particular approval condition the Town may deem warranted.

Fleisher reviewed the conditions stated in the adopted resolution to the applicant and noted that a copy of the resolution would be mailed to their residence. The applicant was informed that a written request for a Special Use Permit is required to be submitted to the Town Board. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P65-2006  
MILTON ROY GRAVEL MINING  
FINAL SITE PLAN  
TAX PARCEL #48.03-2-2.11**

Resolution by: Stewart  
Seconded by: Younge

**WHEREAS**, this Board has received an application for site plan approval from Milton I. Roy, Jr., owner of tax parcel #48.03-2-2.11, for a soil mining operation as shown in documents received July 25, 2006; and

**WHEREAS**, the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district; and

**WHEREAS**, the current approved soil mining operation has been depleted of minerals for extraction, and the applicant is seeking approval to mine an additional 15.4 acres; and

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) granted a mining permit to the applicant on July 20, 2006; and

**WHEREAS**, the applicant intends to reclaim the mining operations in accordance with DEC regulations; and

**WHEREAS**, pursuant to the mining permit issued by DEC the hours of operation of the mine will be Monday through Saturday 7 a.m. to 6 p.m. excluding Sundays and legal holidays, with no processing from 7 a.m. to 8 a.m.; and

**WHEREAS**, pursuant to Section 17.12.010 of the Big Flats Zoning Law, soil mining is a permitted use under site plan approval and special permit approval by the Town Board; and

**WHEREAS**, this is a Type 1 action pursuant to 6 NYCRR 617.6, and DEC, as Lead Agency, issued a Negative Declaration dated March 29, 2006 based on its review of Part 1 of the Full Environmental Assessment Form for the mining permit, and issued its findings in a narrative dated March 29, 2006; and

**WHEREAS**, this Board adopted said findings pursuant to Resolution P60-2006 dated August 8, 2006; and

**WHEREAS** the adjacent property owners have been notified of this application; and

**WHEREAS**, the Chemung County Planning Board, at its August 24, 2006 meeting, recommended “approval subject to any particular approval conditions they (Town of Big Flats) may deem warranted,” and

**NOW, THEREFORE, BE IT RESOLVED**, to approve the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, the Final Plan is approved subject to the following conditions:

1. ***Special Permit Approval***—Failure of the applicant to obtain Special Permit approval from the Town Board shall cause any site plan approval to be null and void.
2. ***Noise and Permitted Days and Hours of Operation***—Mining and mining related activities that by their nature create excessive noise shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, with no activities on Sundays or legal holidays. There shall be no processing from 7:00 a.m. to 8:00 a.m.

3. **NYSDEC Mining Permit Approvals**—The applicant shall meet all of the conditions imposed by the Department of Environmental Conservation on the Mining Permit approval and issue of July 20, 2006 as a condition of any site plan approval given by this board.
4. **Dust and Road Maintenance**—Excessive dust created during the course of the mining operation shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
5. **Mine Reclamation**—When such a time that the mine becomes obsolete, discontinued or abandoned, applicant and/or owner shall reclaim mined land areas according to the reclamation plan and map submitted to NYSDEC with the Gravel Mine Permit application (June 2005 and September 2005) in conformance to New York State Environmental Conservation Law and Town of Big Flats Zoning Law.
6. **Modification**—Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code.
7. **Failure to Comply**—Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to the is application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

**FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Masler, Piersimoni
	<b>NAYS:</b>	Ormiston
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Esty

Dated: Tuesday, September 19, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

Scott Esty arrived

**KEN LORSON/SUNOCO SERVICE STATION  
FINAL SITE PLAN  
TAX PARCEL #66.02-2-61**

Fleisher reviewed the proposed final resolution and noted that the applicant was present. The Short Environmental Assessment Form was completed and the Resolution was adopted and conditions noted.

**RESOLUTION P66-2006  
KEN LORSON/SUNOCO SERVICE STATION  
FINAL SITE PLAN  
TAX PARCEL #66.02-2-61**

Resolution by: Ormiston  
Seconded by: Stewart

**WHEREAS**, this Board has received an application for Site Plan approval from Ken Lorson for a motor vehicle filling station use on tax parcel #66.02-2-61 as shown in documents received July 24, 2006;

**WHEREAS**, the property is located at 100 Canal Street in the Town Center (TC) district;

**WHEREAS**, a motor vehicle filling station is a permitted use in the TC district; however the station was out of operation for more than one year and pursuant to Section 17.56.020(B) the use shall be in conformity with the Big Flats Zoning Law;

**WHEREAS**, there will be no additions to the existing structure;

**WHEREAS**, the property is serviced by public water and has a private septic system;

**WHEREAS**, the following signs exist on the property:

- 102 square foot freestanding sign on Canal Street,
- 80 square foot freestanding sign along the highway boundary,
- 27 square feet of canopy signage,
- 19 square feet of façade signage; and

**WHEREAS**, the fuel island and signage are constructed in violation of Chapter 17 of the Town Municipal Code, and the following variances will be required:

- The fuel island totally encroaches the required 25' front buffer yard,
- The freestanding sign is 11 square feet larger than the maximum allowable area being 60 square feet; and

**WHEREAS**, the Zoning Board of Appeals for the Town of Big Flats, at its July 11, 2006 meeting, approved the required variances; and

**WHEREAS**, the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board and the Zoning Board; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated August 18, 2006, stating that the vehicle filling station and vehicle repair use requires no permits from their office; and

**WHEREAS**, the Chemung County Planning Board, at its August 24, 2006 meeting, recommended "approval of the applicant's site plan subject to the satisfaction of the area variance requirements;" and

**NOW, THEREFORE, BE IT RESOLVED**, to accept the documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6 NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that the Preliminary Plan is approved and accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

- The applicant shall remove the 8' X 4' portable sign from the site within 30 days of approval.
- Failure of an applicant to comply with any conditions of approval for this approved site plan amendment shall make the approval null and void.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, September 19, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SIKORSKY HAWK WORKS  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.02-2-60**

Fleisher reviewed the proposed resolution and the conditions necessary to finalize this application. He asked Michael McDonnell of McFarland-Johnson Engineers, representing Sikorsky Hawk Works, if the revised drawings have been submitted to the Big Flats Commissioner of Public Works. McDonnell replied that the revised drawings are being submitted to the Board this evening. In addition, McDonnell requested a Special Meeting be scheduled to expedite the project prior to weather conditions. McDonnell also requested the Planning board to consider the alternative of approving the plan as final and asked if the application and final approval could be resolved at this meeting

Fleisher commented the Planning Board could consider both options and stated that the only outstanding item is the Water System revisions that will require approval from the Commissioner of the Department of Public Works. He asked the Board members for their comments in considering the modifying of the proposed resolution to accept and approve the application contingent on the Commissioner's written approval and/or any changes the Commissioner may deem necessary to finalize the project. Should the Board prefer a Special Meeting to finalize the application, it would be scheduled within the week.

McDonnell commented that since the Planning Board meeting on August 8<sup>th</sup>, the noise analysis, SHPO finding of nonsignificance and the County's SEQRA Negative Declaration has been completed. He explained that the revised drawings submitted this evening includes all the changes requested by the Commissioner of Public Works via his memo dated August 7, 2006 except that they could not locate the specific hydrant that the Commissioner had requested. He stated that he felt that their alternative hydrant specification would be an acceptable substitution. McDonnell feels that the documents are 100% complete and agrees with a final resolution with the condition of approval by the Commissioner of Public Works.

McDonnell explained that the Commissioner's comments were based on the water system and that he requested a compound meter that would measure the flows if a fire occurs as well as the normal use.

Piersimoni expressed her concerns:

- She does not feel comfortable with finalizing the application when the revised drawing were submitted allowing no time for the Planning Board to review and comment, and
- She considers this installation too sensitive to depend on one security person to screen such a large number of personnel entering the gate at the same time.

Stu Schweizer, owner of Schweizer Aircraft replied that beyond the gate security there is additional security checkpoints. Ann Clarke, Airport Manager, commented that an intruder would not be able to get into the building or the airport, that the best an intruder could do is get into the parking lot.

Esty expressed his concern with the stacking of cars onto Kahler Road because the gate entrance is so close to Kahler Road. He questions the access lanes providing enough room to prevent stacking, especially with so many employees arriving simultaneously. Stu Schweitzer replied that the half hour arrival time should disperse the number of employees arriving at one time.

The Board was queried and agreed to accept and approve this preliminary plan and accept the preliminary plan as the final plan and approved the final plan contingent on the drawings being to the satisfaction of the Commissioner of the Public Works and if he objected, it is proposed to have the final approval null and void.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P67-2006  
SIKORSKY HAWK WORKS  
PRELIMINARY/FINAL SITE PLAN  
TAX PARCEL #57.02-2-60**

Resolution by: Esty  
Seconded by: Masler

**WHEREAS**, this Board has received an application from Chemung County Industrial Development Agency, for site plan approval for a manufacturing use to be located on tax parcel # 57.02-2-60, as shown on drawings by McFarland-Johnson Engineers, project # 16840.00, dated July 25, 2006; and

**WHEREAS**, the property is located on Chemung County Airport property at the intersection of Kahler Road North and Daniel Zenker Drive in the Airport Business Development (ABD) district; and

**WHEREAS**, the applicant proposes to construct the following:

- 86,400 square foot manufacturing building with an attached 7500 square foot office building,
- 6,400 square foot flight operations building,
- 150 square foot guard station,
- Parking spaces for 120 vehicles
- Security fencing
- Associated infrastructure; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study completed by McFarland-Johnson, Inc. of Binghamton, NY dated July, 2006; and

**WHEREAS**, the applicant has completed an analysis of the noise impacts associated with the testing of the helicopter engines on the airport grounds and has submitted a noise impact analysis summary report completed by Bowlby & Associates of Franklin, TN dated September 2006 with noise contours; and

**WHEREAS**, the applicant has submitted a completed Phase I Archaeological Survey prepared by Daniel Seib of the Public Archaeology Facility of Binghamton University dated August 15, 2006 regarding the potential archaeological impacts associated with the proposed project and a letter from the New York State Historic Preservation Officer issuing a finding of non-significance upon Cultural Resources eligible for the National Register; and

**WHEREAS**, the Town of Big Flats Commissioner of Public Works has issued commentary on August 7, 2006 about the proposed water supply for the project regarding the following items which

have been supplied by the consultant in revised water system plan drawings submitted to the Planning Board:

- Use of a hot box with meter and back flow prevention at the airport property line near Sing Sing Road to supply the project. All water including fire protection will be metered.
- Water main will be ductile iron pipe.
- The hydrants will be Kennedy K81 (yellow).

**WHEREAS**, Murl Sebring, Interim Commissioner of the Chemung County Department of Public Works, in a letter dated August 14, 2006, stated that the proposed four-way stop presents an unsatisfactory number of conflicts for safe operation and suggested a three-color, full-range traffic control device at that intersection for consideration by the applicant; and

**WHEREAS**, the applicant has submitted a revised site plan showing the installation of a full-action traffic signal to mitigate the potential adverse traffic impacts; and

**WHEREAS**, pursuant to GML Section 239, the Chemung County Planning Board, at its August 24, 2006 meeting recommended “Town approval subject to the applicant’s satisfaction of any impact mitigation requirements deemed necessary in the County Legislature’s SEQR Findings Statement and any additional conditions the Town may consider advisable;”

**WHEREAS**, the Chemung County Legislature as the Lead Agency issued a Negative Declaration pursuant to SEQRA at its September 11, 2006 meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, this Board approves the revised documents submitted as a Preliminary Plan; and

**FURTHER RESOLVED**, this Board adopts the findings of the Chemung County Legislature and concurs with the Negative Declaration thus issued; and

**FURTHER RESOLVED**, the Preliminary Plan is accepted and approved as the Preliminary Plan; and

**FURTHER RESOLVED**, to approve the documents submitted in this application as a Preliminary Plan and that the Preliminary Plan is accepted as the Final Plan; and

**FURTHER RESOLVED**, that the Final Plan is approved subject to the following conditions:

1. **Town Commissioner of Public Works Department Review** – Any objections raised by the Commissioner of Public Works with regard to the revised drawings submitted September 19, 2006 regarding the accepted preliminary plan, if not mitigated within 14 days of the date of such objections are raised to the complete satisfaction of the Commissioner of Public Works shall make the conditional final approval granted hereby null and void.

**NOW BE IT FURTHER RESOLVED**, the following conditions are now hereby made a part of this approval as per the authority delegated to the Commissioner of Public Works under the preceding paragraph:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
3. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to

enforcement by legal action and shall render this approval null and void upon the finding of such violation.

4. **Noise** – Construction activities shall only occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
5. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
6. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to 17.36.240 Outdoor Lighting Requirements; and
7. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
8. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.
9. **Water Main Requirements** – The 12” water main extension from Sing Sing Road must not be inside the airport security fencing and must be extended to the southerly border of said parcel being terminated on the east side of Kahler Road. This main is to run along Kahler Road and have a fire hydrant at the end point. This main will be dedicated to the Town as a public water main.
10. **Installation of Valves and ‘T’ Connections** – The 8” crossover tie-in to the existing 8” water main is to be connected by installing a ‘T’ in the 8” main rather than the use of a tapping sleeve. This ‘T’ is to have valves on the three (3) legs. The installation of a ‘T’ with 3-way valving shall also be the case for the tap of the 12” main at Sing Sing.
11. **Pipe Material Specification** – All piping shall be Ductile Iron Schedule 52 water main pipe.
12. **Hydrant Specification** – All hydrants are to be Kennedy K81D (yellow).
13. **Certificate of Occupancy** – Before a Certificate of Occupancy is issued, the main dedication papers will need to be recorded in the Chemung County Clerk’s office and filed with the Town. As such, it is expressly agreed and understood that all water lines depicted on McFarland-Johnson, Inc. Plans running from the proposed meter pit to the serviced property shall remain forever private water lines that are the sole and complete responsibility of the developer, its successors and assigns. The remaining new water main located along Kahler Rd. from the existing Town main at Sing Sing thence running south to the proposed hydrant at the south parcel boundary along Kahler Rd. shall be dedicated to the Town and thereafter be a public water main. The energizing of the water system will not occur until the Certificate of Occupancy has been issued, unless the Commissioner of Public Works consents for good cause.
14. **Meter Pit** – The proposed meter pit shall be constructed in strict accordance with the Town of Big Flats Water Department requirements and State Department of Health. Such requirements include, but are not limited to, the installation of the appropriate backflow preventer, RPZ and similar water equipment. In addition, all maintenance, repairs, and replacements of the meter and its related facilities shall forever be the complete and sole responsibility of the developer, its successors and assigns, regardless of any provisions set forth in the Town Water Rules and Regulations to the contrary. Further, the developer shall be solely responsible for the installation of the required equipment and ongoing costs necessary to heat such meter pit. Finally, the developer shall dedicate to the Town the necessary easements to allow the Town to access the meter pit as needed.
15. **By-Pass Pipe Valve** – The valve on the by-pass piping around the meter shall have the provision for a lock/seal in the closed position.
16. **Notice Requirements** – The Town shall be given 24 hours notice, and be witness of, the pressure test for water mains.
17. **Cross Connection ‘T’** – Install ‘T’s and a valve to construct a cross connection at the corner of Daniel Zenker Drive and Kahler Road between the existing 8” Main and the proposed 12” main.
18. **Surety Requirements** – Prior to acceptance of the main dedication and a Certificate of Occupancy being issued, the Developer shall post with the Town a surety in an amount of

\$10,000.00 in the form of irrevocable letter of credit or cash, thereby warranting such water main for a period of five (5) years. Such surety shall be drawn upon to cover costs associated with repairs to the water system during said 5-year period and upon expiration of the 5-year period any such moneys shall be returned to the developer.

19. **As-Built Drawing Requirements** – No Certificate of Occupancy shall be issued until all as-builts for all improvements associated with the project have been files with the Town of Big Flats in paper and electronic format. Such as-builts shall be certified by a professional engineer.
20. **Final Plan Requirements** – The developer agrees to provide final plans clearly summarizing the condition and requirements set forth on such plans in the appropriate note sections.
21. **Final Plan Requirements Pursuant to Issuance of Building Permits** –Plans including all above requirements shall be submitted prior to any building permit being issued. Any modifications to this submitted plan requires prior written approval of the Town.

**AND FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan, and shall be deemed null and void in accordance therewith for the events set forth in said section.

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, September 19, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**BROTTER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #58.01-2-35.11**

Fleisher reviewed that this application was tabled at the August 29<sup>th</sup> Planning Board meeting contingent on the review and comments from the Chemung County Planning Board.

Fleisher read the comments received from the Chemung County Health Department Director that stated “he (Thomas Kump, Director of Environmental Health) has reviewed the package and does not object to the Town being Lead Agency for the entire project”.

The Board completed a Short Environmental Assessment Form. However, Ormiston requested that the record show that in reference to question C on the Environmental Form, this site does contain a great deal of wild life. The Chair stated in response that this would only be relevant if there were construction or development occurring. Under this subdivision application, there is not.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P68-2006  
BROTTER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #58.01-2-35.11**

Resolution by: Younge  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application from the Jewish Center & Federation of the Twin Tiers, for subdivision approval of tax parcel # 58.01-2-35.11 as shown on a survey map by Weiler Associates, Job # 9315.08, dated August 29, 2006; and

**WHEREAS**, the parcel is located on Colonial Drive across from Arnot Road in the Business Regional (BR) district, and is owned by Ralph Brotter; and

**WHEREAS** the parcel is 15.074 acres and the subdivision will create the following:

- Parcel B being 0.712 acres (31,015 square feet) being the proposed roadway,
- Parcel C being 6.173 acres containing vacant land,
- Parcel D being 3.181 acres containing vacant land,
- Parcel E being 5.008 acres containing vacant land; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Business Regional district is three acres; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board;

**NOW, THEREFORE, BE IT RESOLVED**, this Board accepts the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code; and

**FURTHER RESOLVED**, for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to:

- Chemung County Health Department,
- Chemung County Sewer District,
- Chemung County Planning Board; and

**FURTHER RESOLVED**, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of County Route 74 (Colonial Drive); and

**FURTHER RESOLVED**, that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for October 12, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, September 19, 2006

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MULLEN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #76.00-2-26.12**

Fleisher reviewed that this application was tabled at the August 29<sup>th</sup> Planning Board meeting contingent on the review and comments from the Chemung County Planning Board.

The comments received from the Chemung County Health Department Director were read which stated "he (Thomas Kump, Director of Environmental Health) has reviewed the package and does not object to the Town being Lead Agency for the entire project. However, he submitted the following questions. "Are the current dwelling/building served by public or private water? If on private wells, is public water available? Will the subdivision affect the ability of the currently occupied buildings to construct a replacement septic system when the existing system(s) fail."

Scott Moore, attorney for the applicant stated that he would directly address these issues with the Director of the Health Department. Maureen Harding, Director of Planning requested that the results of the meeting between the applicant and the Director of Health Department be submitted to the Planning Board prior to the Public Hearing in order to incorporate the information into the final resolution.

The Board completed a Short Environmental Assessment Form. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P69-2006  
MULLEN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #76.00-2-26.12**

Resolution by: Ormiston  
Seconded by: Younge

**WHEREAS**, this Board has received an application from William H. and Jane M. Mullen, owners of tax parcel # 76.00-2-26.12, for subdivision approval of this 7.937 acre parcel as shown on a survey map by Dennis J. Wieland, Licensed Surveyor, Job # 06328, dated August 27, 2006; and

**WHEREAS**, the parcel is located at 10 Carpenter Road in the Conservation (C) district; and

**WHEREAS** the applicant proposes to subdivide the parcel to create the following:

- Parcel A being 3.00 acres containing a retail use commonly known as Oldies But Goodies,
- Parcel B being 4.937 acres containing vacant land,

**WHEREAS**, parcel B will be used as pasture land for the adjacent horse farm; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Conservation district is three acres; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board;

**NOW, THEREFORE, BE IT RESOLVED**, that this Board accepts the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code; and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6 NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department,
- Chemung County Planning Board; and

**FURTHER RESOLVED**, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of New York State Route 352; and

**FURTHER RESOLVED**, that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for October 12, 2006.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, September 19, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**WREN AUTO AND TRUCK REPAIR  
CONCEPT SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Fleisher described and reviewed the proposed resolution. Maureen Harding, Director of Planning referenced an email whereas she requested a letter from the applicant stating the reasons he needs the additional parking spaces.

Fleisher recommended to the applicant that he revise the site plan drawing to included landscaping, especially the south side of the property. Harding asked the applicant to clarify the status of the as-built drawings, the negotiation with Montessori School and the delay in landscaping.

John Wren son, Tom Wren, owner and applicant replied that they are waiting on James Gensel of Fagan Engineers for the as-built drawings. The landscaping issue is on hold waiting a reply from Montessori School, as to whether their interest in purchasing part of the area that is to be landscaped.

In reference to a written complaint received by the Board, Piersimoni expressed that she would like the Town Code to be more specific in the aesthetic values of the site plan.

Younge asked how the Board is going to address the letter of complaint received on this site plan.

She asked Wren to explain why his original site plan application approved in March 14, 2006 requested only four parking spaces for vehicle sales and now a short time later has returned requesting three times the parking area. Tom Wren replied that he wanted to include more vehicle sales on the original site plan, but was advised not to at that time. He was informed that the site does not have the space for additional parking due to maximum allowable parking spaces at a meeting with the Town Supervisor, the Director of Planning and the Attorney. To request the additional parking for vehicle sales on the original site plan, he would have to resubmit and repeat the site plan approval process all over. Wren stated that because the Moratorium was approaching, he did not have the opportunity to adjust the application. The intent was to have the 15 vehicle sales parking spaces all along and thought that now when everyone saw the nice building; the request for an expansion would not be a problem.

Harding reiterated that at the original site plan meeting the applicant refers to, she explained to the applicant that to add more vehicle sales parking spaces would substantially change the site plan at which point you would need to withdraw and resubmit. At that time, the applicant indicated that they were not willing to resubmit because of an ongoing sale with the property on County Route 64.

Harding explained that vehicle sales are allowed in that district; however, the original site plan and Special Use Permit was approved for the 18 parking spaces of which four of those spaces would be for the sale of vehicles. She reminded the applicant that he is required to demonstrate the need for additional parking spaces for vehicle sales in writing and request a Special Use Permit from the Town Board.

Piersimoni asked if the request for 15 parking spaces is for vehicle sales or for vehicles that are being worked on. Wren replied that the expansion is for parking vehicles coming in and out of the shop and to expand on the four vehicles sales spaces presently approved. That is correct what I told the Board in March 2006, that I have only sold approximately 15 vehicles a year, but if I can buy 10 cars in a bunch for a good price the additional spaces would be used for that purpose. Otherwise, we would have to move the vehicles from the back area to the sales area every time one is sold.

Stewart commented that he understands but feels that this was not indicated at the original site plan meetings. Masler recalled the detailed explanation Wren gave at the original site plan meeting as to why he only needs four vehicle sale parking spaces because he only sells 15 cars per year, mostly to friends and relatives.

Younge is concerned with the additional visibility that would be necessary if the applicant intends to display more than four vehicles for sale at one time. Therefore, the proposed landscaping and buffering has to be reconsidered. Fleisher commented that the applicant has requested to increase the number of parking spaces to a total not yet determined and needs to be specific as to the number of parking areas he is requesting. Harding instructed the applicant to submit this information in a letter to the Planning Board and address the reason for requesting those additional parking spaces.

Piersimoni commented that her concern is that the expansion to sell additional vehicles would potentially cause additional traffic considerations. Younge requested that the applicant provide the exact hours of operation in the letter to be submitted to the Board, because perspective car buyers shop even on Sundays. Stewart asked if the site would be gated to prevent people from entering on weekends when no one is there. Wren replied, no.

Stewart asked if the vehicle sales are for cars and trucks. Wren replied for both pickups trucks and cars.

John Wren commented that the reasons he is requesting the expansion now is because the new proposed zoning changes would put the site out of compliance. Harding clarified that the proposed zoning change would change that district from Commercial Light Industrial to Business Non-Retail District, making it a non-conforming use restricting its ability to expand over a certain threshold.

Harding added that the applicant would need to submit a scaled and dimensioned drawing showing exactly what it is they intend to do.

There being no further questions or comments, Fleisher directed the applicant to submit in writing the exact number of parking spaces and the reason for additional parking request.

**RESOLUTION P70-2006  
WREN AUTO AND TRUCK REPAIR  
CONCEPT SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Resolution by: Stewart  
Seconded by: Masler

**WHEREAS**, this Board has received an application for site plan amendment approval from John and Tom Wren, owner of tax parcel #66.04-3-30.3, for an increase in parking area for customers and vehicles for display adjacent the newly built and existing 3600 square foot building as shown on documents received August 28, 2006; and

**WHEREAS**, the property is located at 17 Winters Road in the Commercial Light Industrial (CL) district; and

**WHEREAS**, the previous site plan approved April 25, 2006 determined that pursuant to Section 17.48.010(C) of the Town of Big Flats Zoning Law, the maximum allowable parking space permitted for a 3600 square foot building is (18) spaces; and

**WHEREAS**, the applicant is requesting to increase the number of parking spaces for customer's vehicles and for vehicle display to a total not yet determined by the applicant; and

**WHEREAS**, pursuant to Section 17.48.010(C) the Planning Board must specifically approve additional parking based on documented need by the applicant, and that, with quantifying analysis, such parking is determined to not adversely impact the aquifer or ground water; and

**WHEREAS**, the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code; and

**WHEREAS**, the adjacent property owners will be notified of this application according to the Rules of the Planning Board; and

**WHEREAS**, this application shall be forwarded to the Chemung County Department of Public Works for review and written comment as this property is located on a county highway; and

**NOW, THEREFORE BE IT RESOLVED**, to accept the documents submitted in this application as a Concept Plan; and

**FURTHER RESOLVED**, this application shall be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64; and

**FURTHER RESOLVED**, that before preliminary site plan amendment approval can be achieved; the Concept Plan is approved subject to the following conditions:

1. **Demonstrated Need for Additional Parking** — Applicant shall submit and demonstrate through quantifying analysis their need for additional parking pursuant to Section 17.48.010(C);
2. **Previously Approved Stormwater Management Plan** — Applicant shall submit evidence that previously approved stormwater management plan for the original site plan pursuant to Resolution

P18-2006 is sufficient to accommodate change in location and increased number of parking spaces and whether or not there is potential for the increase in amount of runoff due to the increase in impervious surface, if any;

3. **Construction and Surface Material Phasing** — Applicant shall show on a revised and submitted site plan the location of new parking area development, the reduction in previously approved impervious surface, and the surfacing material phases (asphalt and/or washed stone) with anticipated date of completion;
4. **Drive and Traffic Circulation** — Applicant shall show on revised site plan amendment internal drive circulation, egress/ingress to parking spaces and dimensioned setbacks pursuant to Section 17.48.010(2) and Section 17.48.010(E)(4) to scale.
5. **Groundwater and Aquifer Impact Analysis** — Applicant shall show that the relocated and increased number of parking spaces shall not adversely impact the aquifer or groundwater pursuant to Section 17.48.010(C).

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	Esty
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Tuesday, September 19, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Fleisher reminded the Board that the Regular Planning Board Meeting scheduled for October 10<sup>th</sup> has been rescheduled to October 12, 2006. He also notified the Board that the Executive Committee will be held on Tuesday, October 3<sup>rd</sup> instead of Wednesday, October 4<sup>th</sup>, at 1 p.m.
- Fleisher commented that he would like Harding to express to Attorney for the Town his displeasure for the inaction of Corning, Inc. to remove the water tower.
- Fleisher extended his appreciation to Chuck Coons, Director of Building Inspection and Code Enforcement who has resigned as of September 15, 2006.
- Piersimoni referenced a couple of complaints about the color of the Wren building and expressed that she would like the Town Code to address aesthetics in more details.
- Younge commented that she is concerned with applicants misleading the Board when they know that ultimately they have another agenda.
- Esty commented that left-turns are still occurring at the Target's westerly exit. He feels that there should be more of a visual deterrent. Fleisher replied that the Sheriff's Department has been actively pursuing violators. Fleisher commented that the Sheriff's Department is also monitoring the truck entrance behind Tops.
- Piersimoni commented that she would like to know how to get information on the newly proposed zoning laws status. Harding reported that the Outdoor Lighting Law was passed at the Town Board Meeting, because the County Planning Board did not have any issues with that particular law. The Town Board is going to revisit the proposed Local Law #9 **Aquifer Protection Overlay District** this week. It will probably be ready for the Town Board to vote on in the near term. There will be no substantial changes; therefore, no Public Hearing would be necessary.
- In regards to the **Vacancy Law**, the Town Supervisor is convening a committee made up of small business owners, county and large-scale development stakeholders, a retired commercial loan officer, residents and staff who will study the proposal.
- The proposed **Zoning Laws and Map amendments** will not be actually reviewed until next spring.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:56 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF OCTOBER 12, 2006**

**6:30 P.M.**  
**REGULAR MEETING**  
**Big Flats Community Center**  
**Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Bill Stewart  
Lee Younge  
James Ormiston

**STAFF:** Ed Fairbrother Town Board

**GUESTS:** Adrian Van Maarseveen, John & Donna Wren, Scott Moore, Bill Mullen, Tom Hesselson

**AGENDA**

The Board agreed to add to the agenda as presented.

**PUBLIC HEARING**  
**BROTTER SUBDIVISION**  
**TAX PARCEL #58.01-2-35.11**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** Scott Moore, the attorney representing the Jewish Center and Federation, introduced the President of the Federation's Board, Federation, Tom Hesselson.

Moore described that this subdivision application, located on Colonial Drive is owned by Mr. Ralph Brotter, who has offered to donate the property to the Jewish Federation. Mr. Brotter intends to retain parcel E; donate parcels C; D and the roadway that includes parcel B's easement. The modification to the original submission is now a part of parcel C. The applicant will not be developing this roadway, so it will be the responsibility of the buyer as to the dedication of this roadway to the Town.

**AGAINST:** None

**COMMENTS:** None

Fleisher closed the Public Hearing at 6:34 P.M on the Brotter Subdivision.

**PUBLIC HEARING  
MULLEN SUBDIVISION  
TAX PARCEL #76.00-2-26.12**

Chair Fleisher called the Public Hearing to order at 6:35 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed subdivision. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

**IN FAVOR:** Scott Moore, attorney representing Bill and Jane Mullen, have applied to subdivide and sell a portion of their property to Doug and Sabra Wolf to be used as horse pasture. The two initial issues have been corrected: The boundary line has been changed to provide the three acres requirement. The concerns previously raised by the Commissioner of Chemung County Health Department have been satisfied.

**AGAINST:** None

**COMMENTS:** None

Fleisher closed the Public Hearing at 6:37 P.M to reconvene the business portion of the regular meeting.

**MINUTES**

Fleisher asked the Board for any corrections or comments before accepting and approving the minutes of September 19, 2006. These minutes include the final agreement between the Town, Schweizer, and Sikorsky in regard to the proposed airport project.

Younge commented that these final minutes include changes that were not discussed during the Planning Board meeting on September 19, 2006 and apparently were made during a private meeting without the Board present.

Fleisher reminded the Board that the adopted resolution on September 19, 2006 was conditioned pending approval by the Big Flats' Commissioner of Public Works.

Esty agreed that the final plan was adopted subject with the condition that the Commissioner of Big Flats Department of Public Works agree with the final changes submitted at the September 19 Planning Board meeting. However, the conditions inserted in the minutes do not represent what was said at the meeting. He requested that the Commissioner of the Big Flats Department of Public Works agreement be submitted in writing to the Board with the conditions.

Piersimoni agrees that the Board was not included into the private meeting; therefore, the approval of these minutes should not be included with these minutes.

Younge made a motion to accept and approve the September 19, 2006 minutes with the removal of any section not discussed at the meeting and request a letter by the Big Flats Commissioner of Public Works, Larry Wagner reflecting the agreement and conditions to be added as an addendum to the minutes, seconded by Piersimoni. All were in favor to accept and approve the minutes as amended by the motion. Motion carried.

**RESOLUTION P71-2006  
BROTTER SUBDIVISION  
FINAL PLAT  
TAX PARCEL #58.01-2-35.11**

Resolution by: Esty  
Seconded by: Ormiston

**WHEREAS**, this Board has received an application from the Jewish Center & Federation of the Twin Tiers, for subdivision approval of tax parcel # 58.01-2-35.11 as shown on a survey map by Weiler Associates, Job # 9315.08, dated August 29, 2006; and

**WHEREAS**, the parcel is located on Colonial Drive across from Arnot Road in the Business Regional (BR) district, and is owned by Ralph Brotter; and

**WHEREAS** the parcel is 15.074 acres and the subdivision will create the following:

- Parcel B being 0.712 acres (31,015 square feet) being the proposed roadway,
- Parcel C being 6.173 acres containing vacant land,
- Parcel D being 3.181 acres containing vacant land,
- Parcel E being 5.008 acres containing vacant land; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Business Regional district is three acres; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

**WHEREAS**, the Chemung County Sewer District, in correspondence dated October 3, 2006, stated they have no objections to the proposed subdivision moving forward; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated September 19, 2006, stated no objection to the proposed subdivision; and

**WHEREAS**, the Chemung County Planning Board, at its September 28, 2006 meeting, motioned to assent to local determination, stating no foreseeable adverse impacts upon intercommunity or county wide interests; and

**WHEREAS**, this Board accepted the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code at their September 19, 2006; and

**NOW, THEREFORE, BE IT RESOLVED**, that this Board approves the preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED**, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and (4) four-paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Thursday, October 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P72-2006  
MULLEN SUBDIVISION  
FINAL PLAT  
TAX PARCEL #76.00-2-26.12**

Resolution by: Stewart  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application from William H. and Jane M. Mullen, owners of tax parcel # 76.00-2-26.12, for subdivision approval of this 8.3 acre parcel as shown on a survey map by Dennis J. Wieland, Licensed Surveyor, Job # 06328, dated August 27, 2006; and

**WHEREAS**, the parcel is located at 10 Carpenter Road in the Conservation (C) district; and

**WHEREAS** the applicant proposes to subdivide the parcel to create the following:

- Parcel A being 3.00 acres containing a retail use commonly known as Oldies But Goodies,
- Parcel B being 4.937 acres containing vacant land,

**WHEREAS**, parcel B will be used as pasture land for the adjacent horse farm; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Conservation district is three acres; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

**WHEREAS**, the Chemung County Department of Health, in correspondence dated September 20, 2006, stated that their concerns have been addressed and that there are no objections to the proposed subdivision proceeding; and

**WHEREAS**, the Chemung County Planning Board, at its September 28, 2006 meeting, motioned to assent to local determination subject to any additional conditions of the Town Planning Board may deem warranted; and

**WHEREAS**, this Board accepted the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code at their September 19, 2006; and

**NOW, THEREFORE, BE IT RESOLVED**, that this Board approves the preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

**FURTHER RESOLVED**, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and (4) four-paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

**CARRIED:** **AYES:** Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

Dated: Thursday, October 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**TOWN OF HORSEHEADS INTER-MUNICIPAL REFERRAL  
REZONING 92 COLONIAL DRIVE AND 201 ROEMMELT DRIVE  
TAX PARCEL #57-04-1-1.1 and #57-04-2.111**

Fleisher reviewed that the original zoning referral received from the Town of Horseheads that was previously heard by this Board on June 27, 2006. This amends the layout and the rezoning of all or a portion of 92 Colonial and 201 John Roemmelt Drive final plan to the Plan Unit Development district.

The Board offered the following questions and comments:

Piersimoni questioned as to the number of curb cut onto Colonial Drive.

Esty commented that it would seem that the sizes of the lots would require public water and sewer.

Fleisher commented that this Board's primary concern is the traffic impact on the infrastructure.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P73-2006  
TOWN OF HORSEHEADS INTER-MUNICIPAL REFERRAL  
REZONING 92 COLONIAL DRIVE AND 201 ROEMMELT DRIVE  
TAX PARCEL #57-04-1-1.1 and #57-04-2.111**

Resolution by: Younge  
Seconded by: Ormiston

**WHEREAS**, this Board has received a zoning referral from the Town of Horseheads Town Board pursuant to General Municipal Law Sections 239H, 239L and 239-nn; and

**WHEREAS**, the subject of the referral is the Town of Horseheads intent to rezone all or a portion of 92 Colonial Drive and 201 John Roemmelt Drive, tax numbers 57.04-1-1.1 and 57.04-1-2.11 in the Town of Horseheads for an amendment to the final plan for the Planned Unit Development; and

**WHEREAS**, the subject of the referral is intermunicipal notice and comment on the potential for environmental impact caused by the zoning amendment consisting of reduced lot size of a parcels of land owned by Robert H. Dalrymple on Colonial Drive, adjacent to the New York State Armory building; and

**WHEREAS**, the parcels are located in a Planned Unit Development (PUD) district; and

**WHEREAS**, that, for environmental review purposes the Town of Horseheads Town Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that said Board is the Lead Agency completing an coordinated review; and

**WHEREAS**, this Board has no objections to the Town of Horseheads intent and designation as lead agency on said action; and

**WHEREAS**, the applicant has completed Part 1 of a Full Environmental Assessment Form and copy of said EAF is forwarded with findings to the Town of Big Flats; and

**WHEREAS**, said referral is seeking recommendations or action from the Town of Big Flats regarding such; now

**THEREFORE, BE IT RESOLVED**, that this Board determines that the proposed redevelopment could have potentially adverse impacts on the adjacent road network as traffic entering and leaving the site will travel on Colonial Drive, and said road is a two lane road without direct access to I86/Route 17; and

**FURTHER RESOLVED**, this Board requests that the Town of Horseheads Town Board consider the following:

- That the applicant complete a Traffic Impact Study, and a copy of said study and findings be forwarded to the Town of Big Flats, with consideration of the potential impacts on the following intersections:
  - Chambers Road South and Exit 51
  - Chambers Road South and Colonial Drive
  - Colonial Drive and Exit 51A
  - Colonial Drive and Hickory Grove Road
  - Colonial Drive and Arnot Road
- That the proposed road that dead-ends at the town line be given careful consideration that the location of said road will be a viable location for future connection should development occur in the Town of Big Flats adjacent to this subject parcel.
- That all driveways to each separate parcel be off an interior road to prevent the creation of several curb cuts along Colonial Drive to achieve controlled access management, and
- That the applicant consider shared access and shared parking lots where achievable in an effort to prevent congestion and traffic back-ups along Colonial Drive within the Town of Big Flats.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	None

Dated: Thursday, October 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Fleisher commented that at the last meeting, he requested an update on the removal of the Corning water tower and that the only information received thus far is that someone called the Department of Planning, Code and Building Inspection to check the cost of a demolition permit.
- Fleisher discussed the benefits of his attendance at the Planning Federation Conference in Saratoga.
- Fleisher commented that the Town is planning a Public Meeting on November 8, 2006 on outdoor wood boilers. There are 55 Towns and/or Villages that have banned them or placed restrictions on outdoor boilers. The Town is considering a six-month moratorium on permitting new outdoor boilers. Judith Schrieber, an environmental scientist, was present at the conference and claimed

that outdoor boilers disperse 12 times more particulates than an indoor wood-burning stove and 70 times more than the basic furnace in the home. The options considered are to ban them; require site plan review and/or zoning regulations based on setbacks. He added that the State building code considers wood boilers an appliance.

- Ed Fairbrother commented that the industry is attempting to regulate this product.
- Fairbrother updated the Board that the Surety in reference to the Sikorski application has been established and the Chemung County Health Department will be working with Codes and a consultant. He stated that the Town would be issuing the building permits and will be responsible for the inspections. However, the Industrial Development Agency (IDA) will own the building.
- Younge commented that she has been asked to inquire as to who is in charge of the storm water management in the Sikorski project.
- Fleisher commented that the next Planning Board meeting will be held on October 31, 2006 and that costumes were optional.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 706 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF OCTOBER 31, 2006**

**6:30 P.M.  
REGULAR MEETING  
Big Flats Community Center  
Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni Absent  
Scott Esty  
Carl Masler  
Bill Stewart  
Lee Younge  
James Ormiston

**STAFF:** Maureen Harding Director of Planning

**GUESTS:** Tom Wren, John Wren, Kevin Bragg, Lloyd Robinson, Joe Mitchell, Ron Lerner

**AGENDA**

The Board agreed to add to the agenda as presented.

Fleisher asked the Board if there were questions or comments before accepting and approving the minutes of September 19, 2006. Being none, Stewart made a motion to accept and approve the minutes of September 19, 2006, seconded by Esty.

**CARRIED:** **AYES:** Younge, Stewart, Esty, Fleisher, Ormiston, Masler were in favor  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Piersimoni

Fleisher asked the Board if there were questions or comments before accepting and approving the minutes of October 12, 2006. Being none, Younge made a motion to accept and approve the minutes of October 12, 2006, seconded by Stewart.

**CARRIED:** **AYES:** Younge, Stewart, Esty, Fleisher, Ormiston, Masler were in favor  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Piersimoni

**WREN AUTO AND TRUCK REPAIR  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Fleisher reviewed and described the proposed resolution and explained that the five conditions would work towards protecting the character of the neighborhood. He asked the Board for questions or comments.

Ormiston suggested that if the applicant intends to use a public address system that a condition be added to the resolution addressing the noise level. Maureen Harding, Director of Planning, replied that the noise law within the Town Municipal Code addresses any impacts by noise. Fleisher asked the applicant if a public address system is intended. Tom Wren, applicant, replied that he does not see a need for a public address system because the building is small enough to communicate without a

public address system.

Esty questioned if the lighting concerns have been addressed and would the addition of new parking spaces require more lighting. Harding replied that she measured the lighting after receiving a complaint and determined that it complies with the law. Tom Wren expressed that he is upset because he feels that they have worked very hard to comply with the lighting code and resents the subject being brought up again. Harding replied that the issue has been addressed, and therefore, is irrelevant to the board proceedings this evening. Wren requested a copy of the resolution as soon as it becomes available. Harding told Mr. Wren that he is welcome to make an appointment with her to discuss the conditions which are no different than those that were included in their previous site plan approval. Fleisher informed the applicant that the final approval, which will include updated drawings showing the proposed landscaping, is scheduled for the next meeting.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P74 -2006  
WREN AUTO AND TRUCK REPAIR  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Resolution by: Ormiston  
Seconded by: Younge

**WHEREAS**, this Board has received an application for site plan amendment approval from John and Tom Wren, owner of tax parcel #66.04-3-30.3, for an increase in parking area for customers and vehicles for display adjacent the newly built and existing 3,600 square foot building as shown on documents received August 28, 2006; and

**WHEREAS**, the property is located at 17 Winters Road in the Commercial Light Industrial (CL) district; and

**WHEREAS**, the applicant has submitted a revised drawing dated October 17, 2006 pursuant to Resolution P70-2006 showing the location of new parking area improvement, the reduction in previously approved impervious surface on the west side of the existing structure, and expansion of the impervious surface parking area to the south side of the existing structure; and

**WHEREAS**, the applicant also shows on the revised site plan amendment the internal drive circulation, egress/ingress to parking spaces and dimensioned setbacks pursuant to Section 17.48.010(2) and Section 17.48.010(E)(4) to scale; and

**WHEREAS**, the previous site plan approved March 14, 2006 determined that pursuant to Section 17.48.010(C) of the Town of Big Flats Zoning Law, the maximum allowable parking space permitted for a 3,600 square foot building is (18) spaces and applicant at that time proposed only (16) spaces; and

**WHEREAS**, the applicant is requesting to increase the number of parking spaces to a total of (24), with (8) additional parking spaces or a net increase of 1,375 s.f. (0.03 acres) of impervious surface coverage; and

**WHEREAS**, the applicant is requesting an increase in the number of vehicles for display and sale from Condition No.12 pursuant to Resolution P18-2006 of the approved site plan and Special Use Permit granted by the Town Board pursuant to Resolution No. 129-06 from (4) vehicles to (15) vehicles; and

**WHEREAS**, pursuant to Section 17.48.010(C) the Planning Board must specifically approve additional parking based on documented need by the applicant, and that, with quantifying analysis, such parking is determined to not adversely impact the aquifer or ground water; and

**WHEREAS**, the applicant has provided a letter to the Planning Board dated October 25, 2006 from a licensed professional engineer indicating that the net increase in the impervious coverage will “have negligible impacts on the groundwater and aquifer;” and

**WHEREAS**, the applicant’s engineer also indicates in said letter that the original design for the stormwater basin was larger than what has been constructed; and therefore, was modeled on full-build out of the parcel indicating that, “there appears to be no runoff from the site and that infiltration rates are very good;” and

**WHEREAS**, the applicant’s engineer indicates in said letter that the existing drainage facilities will need to be further monitored and that no trees be removed from the site to facilitate the current satisfactory conditions for drainage under both existing and future conditions; and

**WHEREAS**, the applicant has provided to the Planning Board a letter dated October 24, 2006 indicating the need for additional parking spaces for vehicle display and sales pursuant to Section 17.48.010(C); and

**WHEREAS**, the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code; and

**WHEREAS**, the adjacent property owners have been notified of this application according to the Rules of the Planning Board; and

**WHEREAS**, this application has been forwarded to the Chemung County Department of Public Works; and

**WHEREAS**, the Chemung County Planning Board at its September 28, 2006 meeting motioned to assent to local determination subject to any other conditions that the Town Planning Board considers warranted stating, “The addition of 14 parking spaces to the site would have few foreseeable impacts in terms of additional stormwater run-off or traffic generation affecting CR 64;” and

**NOW, THEREFORE BE IT RESOLVED**, to accept the documents submitted in this application as a Preliminary plan; and

**FURTHER RESOLVED**, that the Preliminary Plan is approved subject to the following conditions and must be shown on drawings submitted to the Planning Board before final approval can be granted:

1. **Vehicle Sales** – Sale of vehicles as an accessory use is permitted. Not more than fifteen (15) vehicles shall be for sale at any one time. The display of any vehicle for sale shall be limited to the approved parking area and impervious surfaces only. No vehicle offered for sale shall be displayed in any required buffer and/or transition yard. No vehicle offered for sale shall be advertised on the lot by use of decoration, banner, balloon, streamer, or any similar item. Only window markings shall be permitted.
2. **Landscaping Screening and Buffering** – Pursuant to the Town of Big Flats Zoning Law, Section 17.36.190, Part (B)(3)(b) which states, “In addition to any required parking, a developer may be required to provide any additional parking areas necessary, by an approved site plan, to mitigate any potential impact on a surrounding lot or use.” In addition and pursuant to Section 17.36.190 Part (B)(1), any “Automobile parts, including tires, frames, hubcaps, and motors, and dismantled or unregistered motor vehicles, are to be stored within a structure or otherwise screened from view from any adjoining lot or road.” Therefore, the applicant will be required to landscape the full extent of south side of the approved expanded parking surface area with densely-planted plant

material, such as evergreen trees, eight feet in height from finished grade. Landscaping plan shall be submitted to the Planning Board showing the above stated requirement before final approval.

3. **Parking Lot Surface Material** – Pursuant to Section 17.31.190(5), which states, “All storage and display areas shall be provided with a hard, dust-free surface and shall be adequately drained.” Therefore, the applicant will provide an asphalt or concrete surface to the proposed improved parking area. In addition, the applicant will provide vehicle parking space striping as shown on the parking area plan drawings submitted to the Planning Board dated October 17, 2006.
4. **Parking Area Requirements** – Pursuant to Town of Big Flats Zoning Law, parking of vehicles for repair or sales shall be confined to impervious surfaces only and shall not be parked or stored in required yards, setbacks, vegetated or grass areas of the parcel.
5. **Reclamation of Disturbed Areas due to Construction** – All areas previously disturbed by construction activity shall be re-seeded until vegetation is well established so that areas of impervious surfaces are well delineated from vegetation to protect sufficient drainage facility and groundwater quality.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Piersimoni

Dated: Tuesday, October 31, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SYNTHESES (USA)**  
**PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT**  
**TAX PARCEL #57.02-1-69**

Fleisher described and reviewed the proposed resolution and asked the Board for questions or comments.

Esty inquired as to the construction time-line. Lloyd Robinson representing Synthes asked permission to address the question. With permission granted he commenced by introducing Joe Mitchell and Ron Lerner, also representing Synthes. He stated the owner of Synthes would like to start building Phase II as soon as possible.

While Robinson distributed landscape and elevation plans to the Board, he explained that the Phase II amendment includes a 24,100 square foot addition to the existing building, additional buffering along Yawger Road; additional parking; and additional trees to the island.

Esty asked if there are any plans for a Phase III. Robinson replied that it is his belief that there are no Phase III plans; however, there are 33 acres available.

Ormiston asked if Phase II would break up the solidarity of the wall facing Sing Sing Road. Robinson replied that several windows on the new addition should break up the solidarity of the wall.

Fleisher informed Robinson that after the application has been heard by the Chemung County Planning Board, at their November 16 meeting, the application could be placed on our next Planning Board meeting agenda.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P75-2006**  
**SYNTHES (USA)**  
**PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT**  
**TAX PARCEL #57.02-1-69**

Resolution by: Younge  
Seconded by: Stewart

**WHEREAS**, the Planning Board has received an application from Fagan Engineers, on behalf of SYNTHES (USA) for site plan amendment review of Phase II or the proposed construction of a 24,100 square foot addition and an additional 100 vehicle parking area as shown on a drawing by Fagan Engineers, Project #2006.134 dated October 13, 2006; and

**WHEREAS**, the Planning Board had previously approved Phase I consisting of a 77,417 square foot facility that consists of office and manufacturing building, parking areas, and related infrastructure on March 9, 2004 Pursuant to Resolution P14-2004; and

**WHEREAS**, the proposed addition is located at County Route 17 (Sing Sing Road) and County Route 43 (Airport Road), and

**WHEREAS**, the site is located in the Airport Business District (ABD) and whose principal use, namely manufacturing and general office, is a permitted use with site plan review pursuant to Section 17.12.010; and

**WHEREAS**, that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice and referral of this application being given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board, the New York State Department of Transportation, Big Flats Fire Department, New York State Department of Environmental Conservation; and

**WHEREAS**, under the previous site plan review conducted by this Board in March 2004 for full build-out of which the newly proposed total foot print (97,417 s.f.) is less than the 117, 200 square feet proposed at that time, the applicant prepared a SEQR Full Environmental Assessment Form whose findings by this board will be incorporated by reference; and

**WHEREAS**, under the previous Phase I site plan review by this Board, the applicant had prepared a Traffic Study for both Phase I and Phase II (full build-out or 117, 200 s.f.) that was reviewed by Creighton Manning Engineering (CME) of which no significant traffic impacts to adjacent roadway network was determined; and

**NOW, THEREFORE BE IT RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17 (Sing Sing Road); and

**FURTHER RESOLVED**, that the application be approved as a Preliminary Plan.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Esty, Fleisher, Ormiston, Masler
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Piersimoni

Dated: Tuesday, October 31, 2006

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SIMMONS-ROCKWELL DEALERSHIP  
PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT  
TAX PARCEL # 67.02-1-3**

Fleisher described and reviewed the proposed resolution and the Short Environmental Assessment Form was completed. He asked the Board for questions or comments.

Ormiston commented that he does not understand why the fee was waived pursuant to another site plan application being considered before this Board. Harding replied that it was an oversight on her part and that the applicant needs to come into the office to submit a site plan amendment fee. Harding updated the Board that Simmons-Rockwell still needs to abandon water valves on the adjacent properties from previous approvals. A meeting with James Gensel of Fagan Engineers and all parties involved is being set up to discuss the issue.

Younge asked Kevin Bragg, president of Chrisanntha Construction Corporation, representing the applicant to describe the storage shed. Bragg replied that it is an off-white metal siding pole barn type structure, with a mezzanine and one overhead door. It will be located at the rear of the property.

Stewart asked Bragg to clarify the size. Bragg replied that the structure would be 24' x 40'.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P76-2006  
SIMMONS-ROCKWELL DEALERSHIP  
PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT  
TAX PARCEL # 67.02-1-3**

Resolution by: Masler  
Seconded by: Younge

**WHEREAS**, this Board has received an application from Simmons-Rockwell, a vehicle sales dealership, for a Site Plan Amendment and review regarding the construction of a 24' X 40' (960 s.f.) Storage Shed to house lawn maintenance and snow removal equipment, as shown on a drawing by Fagan Engineers, Project #2006.013 dated October 17, 2006; and

**WHEREAS**, the 1.495-acre parcel and property is located on the south side of County Route 64, in the Business Regional (BR) district, east of the existing Simmons-Rockwell dealership and adjacent to Courser, Inc., a manufacturing company specializing in CNC machining, general machining, and machine building; and

**WHEREAS**, pursuant to Chapter 17.12 of the Town Municipal Code, an accessory structure to a principal use listed in Section 17.12.010 is permitted under site plan approval by the Planning Board; and

**WHEREAS**, pursuant to Chapter 17.40 *Accessory Structure and Use Requirements*, this application complies with the bulk and density requirements set forth therein; and

**WHEREAS**, pursuant to Section 17.36.200, a buffer yard of 15-ft is required in addition to the 10-ft side yard setback requirement; and

**WHEREAS**, pursuant to Section 17.36.200 Part (E)(6), the applicant proposes to provide an alternative landscaping design consisting of a barrier containing shrubbery which will meet or exceed the minimum landscaping requirements for the buffer yard; and

**NOW, THEREFORE BE IT RESOLVED**, that this Board accepts the documents submitted in this application as a Preliminary Plan; and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to the Chemung County Planning Board; and

**FURTHER RESOLVED**, that based on the review of the Part 2 of the SEQRA Short Environmental Assessment Form completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

<b>CARRIED:</b>	<b>AYES:</b>	Masler, Ormiston, Fleisher, Esty, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Piersimoni

Dated: Tuesday, October 31, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

- Fleisher commented that he received a copy of the letter from Tom Reed, Attorney for the Town, sent to Rick Weakland of Corning Enterprises in reference to the demolition of the water tower. Harding updated the board that there is a problem with the obstruction light presently located on the water tower. Her research into the matter revealed that the minutes of October 5, 2004 state that Ormiston questioned confirmation from the Federal Aviation Administration (FAA) acknowledgment that a warning light be placed on top of the monopole. However, this concern was not placed in the resolution because it was the Board's understanding that the cell tower was not in the approach path. Unfortunately, that was not the case. It may very well penetrate FAR Part 77 Surfaces whether or not it is in the approach path.
- The Board wished Joe Piersimoni a speedy recovery.
- Harding commented that she received an email from the Commissioner of the Chemung County Planning Board concerning the new mandatory training and will forward the information to the Board.
- Fleisher commented that there would be a meeting on outdoor boilers on November 8, 2006.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:20 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF TUESDAY, NOVEMBER 21, 2006**

**6:30 P.M.**  
**REGULAR MEETING**  
**Big Flats Community Center**  
**Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Bill Stewart  
James Ormiston  
Lance Muir

**ABSENT:** Scott Esty

**STAFF:** Maureen Harding, Director of Planning  
Sheree McGannon, Deputy Town Clerk

**GUESTS:** Ron Cobb, Ron Lerner, Jim Bruner, Jamie Gensel, Joe Mitchell

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of October 31, 2006. Being none, Ormiston made a motion to accept and approve the minutes of October 31, 2006, seconded by Stewart. All were in favor, except Piersimoni abstained and Esty was absent. Motion carried.

**DANDY MINI MART**  
**FINAL SITE PLAN**  
**TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher reviewed the proposed final resolution and noted Ron Cobb of Hawk Engineering was present to present the revised Final Site Plan.

Cobb presented the following revisions to the final site plan:

- Striping would be completed by the New York State Department of Transportation for the 2007-paving season.
- Presented Construction sequencing as per Piersimoni's request.

Stewart commented and requested drawings showing the sequencing so that the Board could better understand the project.

Harding stated that the construction sequencing must be submitted before building permits are obtained. She asked if the drawings could be submitted at that time and if that would be agreeable to the Board. Stewart agreed and Cobb agreed that the drawings would be submitted showing phases.

Piersimoni asked if the Commissioner of Public Works had reviewed and approved the new plans.

Harding commented that the Commissioner of Public Works had reviewed the plans and had no comments.

Young questioned whether the Archeological Study had been completed and if there were any comments or findings. Cobb replied that 38 items were found of a miscellaneous variety including bone fragment but that all were deemed negligible. Cobb also stated the study was submitted over 30 days ago and the comment deadline had been met.

**RESOLUTION P77-2006**

**DANDY MINI MART**

**FINAL SITE PLAN**

**TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Stewart

Seconded by: Muir

**WHEREAS**, this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building totaling 11,644' - 4" square feet to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.2, as shown on drawings by Hawk Engineering, project # 4012, last revised July 14, 2006; and

**WHEREAS**, the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district; and

**WHEREAS**, the existing building and fuel island will be demolished for this project, and a new building constructed that will contain a convenience store with pizza and sandwich sales, a bank with drive-thru, one new gasoline dispensing island, one diesel fuel dispensing island; and

**WHEREAS**, the applicant has submitted a Traffic Impact Study dated April, 2006; and

**WHEREAS**, the applicant has submitted a Highway Work Permit to the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, the NYSDOT has issued comments in a letter dated August 25, 2006 based on their review of the ingress/egress of the proposed action; and

**WHEREAS**, the Commissioner of Public Works has issued comments in a letter dated May 24, 2006 with the following requirements regarding drainage and water system:

- The Applicant is required to have an RPZ and must provide appropriate applications and engineering associated. There is no detail on any of the drawings pertaining to this or location for the meter in the building.
- It appears that the Applicant is going to use the existing water line. This is not a problem if the line comes directly into the building. We do not allow lines to run underneath the buildings.
- This parcel is very flat and it may be difficult to grade the site to provide drainage without ponding or puddles. The owner may want to consider the use of catch basins and piping to convey the storm water to his basin. This was discussed with the owner during the meeting of March 15, 2006. This is a suggestion to the owner to avoid ice liabilities during the winter and is not a requirement by the DPW.

**WHEREAS**, the applicant has submitted a revised drawing dated November 2, 2006, showing the required changes; and

**WHEREAS**, the revised drawings show that the proposed lighting plan is in compliance with the Town of Big Flats Municipal Code pursuant to Section 17.36.240 *Outdoor Lighting Requirements*; and

**WHEREAS**, this Board finds and accepts the revised site plan showing mitigation of potential traffic conflicts where the turning lane into the site from the east and the current turning lane on State Route 352 entering County Route 64/Main Street shall re-stripped as per NYSDOT comment; and

**WHEREAS**, the applicant has completed Phase I Archaeological Survey prepared by the Public Archaeology Facility of Binghamton University dated October 11, 2006 regarding the potential archaeological impacts associated with the proposed project and a recommendation that no further action is needed to the New York State Historic Preservation Officer; and

**WHEREAS**, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board having declared Lead Agency conducted a uncoordinated review and will complete Part 2 of the Environmental Assessment Form (EAF) submitted by the applicant; and

**WHEREAS**, for environmental review purposes that this Board makes the following findings based on the completed EAF Part 2:

1. **IMPACT ON LAND:** This project is not expected to result in a significant physical change to the project *site* with the exception of the re-construction of *buildings, drives, parking lots*, utilities and Storm water Management System; however, does not trigger thresholds of concern. There are no significant slopes on the Site. The water table is in excess of five feet from the ground surface. The project is being constructed within a 100-year floodplain; but will be constructed three feet above base flood elevation levels. There are no unique or unusual landforms.
2. **IMPACT ON WATER:** There are no bodies of water on or near this site. A Storm Water Pollution Prevention Plan has been submitted and received for this project. Storm water will be discharged into adjacent drainage swales and discharged into Gardener Creek, which empties into the Chemung River located approximately 0.58 miles from the site. The remainder of the site will drain to the north. Long Term maintenance will be provided by the owner and applicant. Therefore, there are no adverse impacts to water quality.
3. **IMPACT ON AIR:** This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. **IMPACT ON PLANTS AND ANIMALS:** No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. **IMPACT ON AGRICULTURAL LAND RESOURCES:** Prime agricultural resources do not exist on the site.
6. **IMPACT ON AESTHETIC RESOURCES:** The *development* at the site is consistent with the requirements of the Town Municipal Code in both *bulk* and *density*. The proposed *development* is adjacent to existing residential *uses*. The applicant proposes landscaping in the front yard buffer to mitigate visual impacts.
7. **IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES:** This project site does not contain any known historical and archeological resources of significance.

8. **IMPACT ON OPEN SPACE AND RECREATION:** Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site. A golf course is adjacent to the use. However, the proposed project will not adversely impact the recreational use.
9. **IMPACT ON CRITICAL ENVIRONMENTAL AREAS:** There are no critical environmental areas located in the *Town*.
10. **IMPACT ON TRANSPORTATION:** The *applicant* submitted a Traffic Impact Study dated April 2006. The existing driveways will continue to operate at an acceptable level of service with average delays during the peak hour. During periods of less traffic, there will be little or no traffic delay. The applicant has submitted revisions dated November 2, 2006 resulting in a striping plan to mitigate NYSDOT traffic concerns.
11. **IMPACT ON ENERGY:** This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. **NOISE AND ODOR IMPACTS:** The project does not include an activity that exceeds the noise restrictions of the Town Municipal Code. The applicant will be required to mitigate temporary construction impacts through best management practices.
13. **IMPACT ON PUBLIC HEALTH:** The project does not propose to include the *use* of herbicides and/or pesticides in quantities and types of usage that is atypical of other business areas in the *Town*; and therefore, there will be no adverse impact to public health.
14. **IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD:** The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

**WHEREAS**, based on the review of the Full Environmental Assessment Form of SEQRA completed by the *applicant*, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

**NOW, THEREFORE, BE IT RESOLVED**, this Board finds that the revised documents comply with the Big Flats Zoning Law; and

**FURTHER RESOLVED**, the following conditions are now hereby made a part of this approval:

1. **Construction Sequencing Plan** – Applicant will submit a construction-sequencing plan to the Director of Planning Code & Building Inspection prior to obtaining any building permits.
2. **Floodplain Certificates** – Elevation Certificates shall be submitted to the Code Enforcement Officer/Building Inspector prior to the issuance of building permits. A confirmation certificate shall be submitted to the Code Enforcement Officer/Building Inspector prior to the issuance of Certificate of Occupancy.
3. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
4. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

6. **Noise** – Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturday.
7. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to Section 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any Certificate of Occupancy.
8. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 Outdoor Lighting Requirements; and
9. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
10. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.
11. **Final Plan Requirements Pursuant to Issuance of Building Permits** – Plans including all above requirements shall be submitted prior to any building permit being issued. Any modifications to this submitted plan requires prior written approval of the Town.
12. **As-Built Drawing Requirements** – No Certificate of Occupancy shall be issued until all as-builts for all improvements associated with the project have been filed with the Town of Big Flats in paper and electronic format. Such as-builts shall be certified by a professional engineer.
13. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office stating that it shall be maintained in perpetuity by the owner.

**AND FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan, and shall be deemed null and void in accordance therewith for the events set forth in said section; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Fleisher, Masler, Piersimoni, Muir, Ormiston
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Esty

Dated: Tuesday, November 21, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**SYNTHESES (USA)**  
**FINAL SITE PLAN/SITE PLAN AMENDMENT**  
**TAX PARCEL #57.02-1-69**

Fleisher reviewed the proposed final resolution and noted Ron Lerner of Synthes and James Gensel of Fagan Engineers were present. The Short Environmental Assessment Form was completed and the Resolution was adopted and conditions noted.

**RESOLUTION P78-2006**  
**SYNTHESES (USA)**  
**FINAL SITE PLAN/SITE PLAN AMENDMENT**  
**TAX PARCEL #57.02-1-69**

Resolution by: Younge  
Seconded by: Muir

**WHEREAS**, the Planning Board has received an application from Fagan Engineers, on behalf of SYNTHESES (USA) for site plan amendment review of Phase II or the proposed construction of a one-story 24,100 square foot addition and an additional 100 vehicle parking area as shown on a drawing by Fagan Engineers, Project #2006.134 dated October 13, 2006; and

**WHEREAS**, the Planning Board had previously approved Phase I consisting of a 77,417 square foot facility that consists of office and manufacturing building, parking areas, and related infrastructure on March 9, 2004 Pursuant to Resolution P14-2004; and

**WHEREAS**, the proposed addition is located at County Route 17 (Sing Sing Road) and County Route 43 (Airport Road); and

**WHEREAS**, the site is located in the Airport Business District (ABD) and whose principal use, namely manufacturing and general office, is a permitted use with site plan review pursuant to Section 17.12.010; and

**WHEREAS**, pursuant to Section 17.16.020, the proposed *development* of the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*; and

**WHEREAS**, the adjacent property owners have been notified of this application pursuant to the Rules and Procedures of the Planning Board; and

**WHEREAS**, the applicant has provided elevation drawings dated October 31, 2006 from Chrisanthia Construction Corporation and Hanlon Architects showing the proposed south and east elevations of the proposed addition and structure; and

**WHEREAS**, the applicant has provided a revised drawing dated November, 2006 showing the proposed landscaping plan, grading and utility plan and other details incidental to the proposal; and

**WHEREAS**, that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency having completed an uncoordinated review with informational notice and referral of this application having been given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board, the New York State Department of Transportation, Big Flats Fire Department, New York State Department of Environmental Conservation; and

**WHEREAS**, in a letter dated November 2, 2006, Murl Sebring, Interim Commissioner of the Chemung County Department of Public Works stated that he had no comment on this project at this time. If; however, the project modifies traffic ingress or egress on county roads bordering the site, then review and permits from the county highway department would be necessary; and

**WHEREAS**, the Chemung County Planning Board, at its November 16, 2006 meeting, recommended “approval subject to any additional approval conditions the Town Planning Board may deem warranted;” and

**WHEREAS**, the Department of Public Works Commissioner for the Town of Big Flats has reviewed the proposed improvement and has no additional comments thereof; and

**WHEREAS**, under the previous site plan review conducted by this Board in March 2004 for full build-out of which the newly proposed total foot print (97,417 s.f.) is less than the 117, 200 square feet proposed at that time, the applicant prepared a SEQR Short Environmental Assessment Form whose findings by this board will be incorporated by reference;

**NOW, THEREFORE BE IT RESOLVED**, for environmental review purposes that this Board finds this action to have no significant adverse effect on the environment based on the review of the SEQR Short Environmental Assessment Form (EAF) provided by the applicant and the completion of Part 2 by this board; and therefore, issues a Negative Declaration; and

**FURTHER RESOLVED**, that the application has been previously approved as a Preliminary Plan pursuant to Resolution P75-2006 and this board accepts the *Preliminary Plan* as *Final Plan* for site plan amendment; and

**FURTHER RESOLVED**, the *Final Plan* is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Permits and Approvals** – All required approvals and permits shall be secured prior to construction for the development.
3. **Stormwater Management and Construction Activity** – Applicant will maintain existing SPDES permit for stormwater discharges and construction activity with existing permit conditions, as proposal is part of an overall project pursuant to previous Phase I Site Plan approval.
4. **Noise** – Construction activities that by their nature exceed decibel levels allowed by Section 17.36.260 of the Town Municipal Code shall occur only between the hours of 7:30 a.m. to 6 p.m. Monday through Saturday.
5. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
6. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
7. **Fugitive Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or by acceptable best management practices. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
8. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to Section 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
9. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved *Final Site Plan Amendment*.
10. **Landscaping** – All landscaping shall be maintained in perpetuity.
11. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

**CARRIED:**   **AYES:**       Piersimoni, Muir, Ormiston, Fleisher, Masler, Stewart, Young  
                  **NAYS:**       None  
                  **ABSTAIN:** None  
                  **ABSENT:** Esty

Dated: Tuesday, November 21, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P79-2006  
SIMMONS-ROCKWELL DEALERSHIP  
FINAL SITE PLAN/SITE PLAN AMENDMENT  
TAX PARCEL # 67.02-1-3**

Resolution by: Muir  
Seconded by: Stewart

**WHEREAS**, this Board has received an application from Simmons-Rockwell, a vehicle sales dealership, for a Site Plan Amendment and review regarding the proposed construction of a 24' X 40' (960 s.f.) Storage Shed to house lawn maintenance and snow removal equipment, as shown on a drawing by Fagan Engineers, Project #2006.013 dated October 17, 2006; and

**WHEREAS**, there has been no signage approved for this site plan amendment; and

**WHEREAS**, the *development* at the site is consistent with the requirements of the Town Municipal Code in both *bulk* and *density* and landscaping is acceptable for buffer yard landscaping requirements; and

**WHEREAS**, the 1.495-acre parcel and property is located on the south side of County Route 64, in the Business Regional (BR) district, east of the existing Simmons-Rockwell dealership and adjacent to Courser, Inc., a manufacturing company specializing in CNC machining, general machining, and machine building; and

**WHEREAS**, this board issued a negative declaration in Resolution P76-2006 dated October 31, 2006; and

**WHEREAS**, the Chemung County Planning Board, at its November 16, 2006 meeting, recommended "local determination or Town approval of the proposed amendment subject to any specific approval conditions the Town Planning Board may have;"

**NOW THEREFORE BE IT RESOLVED**, that this Board accepts the *Preliminary* Plan as previously approved as the *Final* Plan for this site plan amendment; and

**FURTHER RESOLVED**, the *Final* Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Permits and Approvals** – All required approvals and permits shall be secured prior to construction for the development.
3. **Noise** – Construction activities that by their nature exceed decibel levels allowed by Section 17.36.260 of the Town Municipal Code shall occur only between the hours of 7:30 a.m. to 6 p.m. Monday through Saturday.
4. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.

5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
6. **Fugitive Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or by acceptable best management practices. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
7. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to Section 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
8. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
9. **Landscaping** – All landscaping shall be maintained in perpetuity.
10. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Muir, Ormiston, Fleisher, Masler, Stewart, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Esty

Dated: Tuesday, November 21, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**BURLINGAME VENTURES/FEDERAL EXPRESS  
CONCEPT PLAN/SITE PLAN AMENDMENT  
TAX PARCELS # 57.02-2-60 & 57.02-2-67.2**

Fleisher described and reviewed the proposed resolution. James Gensel of Fagan Engineers was present to represent the applicant.

Gensel reviewed the concept plan and explained that the existing lot has no drainage or catch basins. The new lot will be redone to include these. More information will be available when the survey has been completed.

Masler asked if there were going to be any modifications to the driveway to the west. Gensel explained that they will be relocating a fire hydrant and the second driveway is mainly for the larger delivery trucks.

Jim Bruner of Quail Run stated he is an adjacent property owner and questioned how close the driveway would be to the property line and his barn. He also asked if there were any standard in this regard. Gensel replied that the radius for the drive would meet the property line and he stated he would review this issue. The purpose of the second drive was for delivery trucks to turn around and that the first or main drive was for customer use.

Younge asked why so many spaces were needed. Gensel explained that the spaces were for the employees so that employee and customer parking would be separate. Harding commented that the

applicant was actually below the threshold for parking spaces. Gensel commented he would put the Bulk and Density Table on the next drawings.

Piersimoni asked why the plans were dated 2005. It was determined by Gensel that the 2005 was a typographic error.

Younge questioned what the rectangular area on the drawings near the entrance was for. Gensel stated it is an easement. Harding asked Gensel if that was going to be closed off and Gensel responded that the entrance would be closed off.

**RESOLUTION P80-2006**  
**BURLINGAME VENTURES/FEDERAL EXPRESS**  
**CONCEPT PLAN/SITE PLAN AMENDMENT**  
**TAX PARCELS # 57.02-2-60 & 57.02-2-67.2**

Resolution by: Masler  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application from Burlingame Ventures for a *Site Plan Amendment* and review regarding a 3,125 square foot expansion of an existing warehouse distribution facility and terminal, the addition of a new driveway and the rehabilitation of existing parking areas, as shown on a drawing by Fagan Engineers, Project #2006.119 dated January 1, 2005; and

**WHEREAS**, the primary affected 2.534-acre parcel and property is located at 358 Sing Sing Road within the *Airport Business* (ABD) district, east of the existing Corning-Elmira Regional Airport Terminal and contiguous to airport property; and

**WHEREAS**, the property contains an existing 15,000 square foot 1-story structure with a macadam parking area containing (1) driveway access off Sing Sing Road; and

**WHEREAS**, the applicant is proposing a 3,125 square foot addition containing a loading dock to the east end of the existing structure facing airport property; and

**WHEREAS**, Section 12.12.060(C) of the Town Municipal Code states, “No more than two *driveways* to a single commercial establishment entering on one highway *shall* be permitted” and the applicant is proposing a second driveway located (180) feet east of the existing driveway entrance on Sing Sing Road consistent with Section 12.12.060(C); and

**WHEREAS**, the applicant is proposing to pave the existing macadam driveway and parking lot area creating (45) parking spaces; and

**WHEREAS**, the abutting *property owners* shall be notified of this *application* pursuant to the Rules of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that this Board accepts the documents submitted in this *application* as a *Concept Plan* for *site plan* amendment; and

**FURTHER RESOLVED**, that for environmental review purposes this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Chemung County Department of Public Works
- Chemung County Health Department
- Chemung County Sewer District
- Big Flats Fire Department
- Chemung County Planning Board

**AND FURTHER RESOLVED** that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of Sing Sing Road; and

**FURTHER RESOLVED**, that the *applicant shall* submit a revised *site plan* showing the following:

- Location Plan on cover sheet
- Storm Water Management Plan
- Landscape Plan
- Grading plan and erosion control plan
- Location and design of a storm water management system, and
- Lighting Plan
- Designated Handicapped Parking Spaces

<b>CARRIED:</b>	<b>AYES:</b>	Younge, Stewart, Muir, Fleisher, Ormiston, Masler, Piersimoni
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Esty

Dated: Tuesday, November 21, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

Younge asked if any other members would be attending the MS4 Meeting on the 29<sup>th</sup> of November. Harding commented that this meeting would go toward meeting the training requirements if you did not have all your hours in for this year.

Masler asked if the 2007 calendar was ready. Harding passed out a proposal for the Planning Board for consideration of a 4-week schedule. This will be up for discussion at the December 12<sup>th</sup> meeting. Harding stated she would do two scenarios, one for a three-week schedule and a second for a four-week schedule.

Harding stated that the Wren application was on hold and they will be coming back with revisions. Fleisher commented that they have planted some trees but some of them appear to be dead.

Stewart commented that he attended a conference on pervious surfaces and the Board should consider these for future site plans. Stewart presented the materials to Harding who stated she would make copies and pass them out to the Board.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:25 P.M.

Dated: Tuesday, November 21, 2006  
BIG FLATS, NEW YORK

Respectfully Submitted

Sheree McGannon  
Deputy Town Clerk

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF TUESDAY, DECEMBER 12, 2006**

**6:30 P.M.**  
**REGULAR MEETING**  
**Big Flats Community Center**  
**Conference Room "D"**

**PRESENT:** Mark Fleisher, Chair  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Lance Muir  
Scott Esty

**ABSENT:** Bill Stewart  
James Ormiston

**STAFF:** Maureen Harding, Director of Planning  
Sheree McGannon, Deputy Town Clerk

**GUESTS:** Richard Rossettie, Daniel Morse, Kent Brown, Steve Reynolds  
Marilyn Brown, Tom Wren, Tim Steed, Roger Van Nordstrand

**AGENDA**

The Board agreed with the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of November 21, 2006. Being none, Younge made a motion to accept and approve the minutes of November 21, 2006 seconded by Muir. All in favor, except Stewart and Ormiston were absent, motion carried.

**WREN AUTO AND TRUCK REPAIR  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Fleisher reviewed the final site plan amendment and completed the Short Environmental Assessment Form. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P81-2006  
WREN AUTO AND TRUCK REPAIR  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #66.04-3-30.3**

Resolution by: Muir  
Seconded by: Younge

**WHEREAS**, this Board has received an application for site plan amendment approval from John and Tom Wren, owner of tax parcel #66.04-3-30.3, for an increase in parking area for customers and vehicles for display adjacent the newly built and existing 3,600 square foot building as shown on documents received August 28, 2006; and

**WHEREAS**, the property is located at 17 Winters Road in the Commercial Light Industrial (CL) district; and

**WHEREAS**, the applicant has submitted a revised drawing dated October 17, 2006 pursuant to Resolution P70-2006 showing the location of new parking area improvement, the reduction in previously approved impervious surface on the west side of the existing structure, and expansion of the impervious surface parking area to the south side of the existing structure; and

**WHEREAS**, the applicant also shows on the revised site plan amendment the internal drive circulation, egress/ingress to parking spaces and dimensioned setbacks pursuant to Section 17.48.010(2) and Section 17.48.010(E)(4) to scale; and

**WHEREAS**, the previous site plan approved March 14, 2006 determined that pursuant to Section 17.48.010(C) of the Town of Big Flats Zoning Law, the maximum allowable parking space permitted for a 3600 square foot building is (18) spaces and applicant at that time proposed only (16) spaces; and

**WHEREAS**, the applicant is requesting to increase the number of parking spaces to a total of (24), with (8) additional parking spaces or a net increase of 1,375 s.f. (0.03 acres) of impervious surface coverage; and

**WHEREAS**, the project complies with Bulk and Density Control Requirements pursuant to Chapter 17.16 of the Town Municipal Code; and

**WHEREAS**, the applicant has submitted a revised drawing dated November 28, 2006 showing *Landscaping Screening and Buffering* consistent with the requirements of Town of Big Flats Zoning Law, Section 17.36.190, Part (B)(3)(b) and Resolution P74-2006 acceptable to this Board; and

**NOW, THEREFORE BE IT RESOLVED**, that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review; and

**FURTHER RESOLVED**, that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**NOW, THEREFORE BE IT RESOLVED**, to accept the documents submitted in this application as a *Preliminary Plan* with revisions is accepted as *Final Plan* for the site plan amendment; and

**FURTHER RESOLVED**, that the *Final Plan* is approved subject to the following conditions:

1. **Special Use Permit** – Failure of the applicant to obtain Special Permit approval from the Town Board shall cause any site plan amendment approval to be null and void.

2. **Vehicle Sales** – Sale of vehicles as an accessory use is permitted. Not more than fifteen (15) vehicles shall be for sale at any one time. The display of any vehicle for sale shall be limited to the approved parking area and impervious surfaces only. No vehicle offered for sale shall be displayed in any required buffer and/or transition yard. No vehicle offered for sale shall be advertised on the lot by use of decoration, banner, balloon, streamer, or any similar item. Only window markings shall be permitted.
3. **Parking Lot Surface Material** – Pursuant to Section 17.31.190(5), which states, “All storage and display areas shall be provided with a hard, dust-free surface and shall be adequately drained.” Therefore, the applicant will provide an asphalt or concrete surface to the proposed improved parking area. In addition, the applicant will provide vehicle parking space striping as shown on the parking area plan drawings submitted to the Planning Board dated October 17, 2006.
4. **Reclamation of Disturbed Areas due to Construction** – All areas previously disturbed by construction activity shall be re-seeded until vegetation is well established so that areas of impervious surfaces are well delineated from vegetation to protect sufficient drainage facility and groundwater quality.
5. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
6. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
7. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
8. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
9. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
10. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
11. **Signs** – No additional signage has been approved for this application.
12. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to adjoining property owners pursuant to Section 17.36.240 Outdoor Lighting Requirements.
13. **Landscaping** – All landscaping shall be maintained in perpetuity.
14. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws; and

**FURTHER RESOLVED**, that pursuant to Section 17.32.150 of the Town Municipal Code, this approval shall be valid for one year from the date of endorsement of the approved final plan; and

**FURTHER RESOLVED**, that the applicant shall submit two (2) final drawings approved pursuant to this resolution for endorsement by the Planning Board Chair.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Esty, Muir, Fleisher, Masler, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC. RE-SUBDIVISION  
CONCEPT PLAN/ ZONING BOARD REFERRAL  
TAX PARCELS #58.03-1-56/58.03-1-58**

Fleisher reviewed the concept plat and re-subdivision referral. He noted that the application will be referred to the County Planning Board and is on their agenda for December 14, 2006. Fleisher asked Harding to review the Staff Report for the Board. Fleisher asked for questions or comments for the applicant.

Esty agreed the shared entrance and new traffic patterns are very positive but questioned why another applicant, Kost Tire, was held to the constraints of the lot coverage and setback requirements but now the Board is considering allowing Kent Brown to cover almost the entire lot. He has concerns that the Board is not holding all applicants to the same standards. Masler commented that Simmons Rockwell is near the roadway and against the road right of way, which would be similar to what Kent Brown is proposing.

Richard Rossettie, representing Kent Brown Realty Group, commented that this project is a modification to an as-built site. The dealership property was originally engineered for the existing driveway and the relocation of the entrance completely changes the site. The additional property on the east and reconfiguration of the driveway makes the project work. The front line proposed setback of 7 feet on the east continues to the existing front line of the originally approved site plan for the dealership property. The set back variance on the east is to allow for vehicle display spaces, wider aisles and traffic flow to the vehicle repair area. Switching the entrance to the southwest corner of the lot makes the location of the repair department completely obscured; directional signage and wide aisles will better guide the vehicles coming in for repairs. By adding the additional land and with modest variances the site works and brings significant benefit to our neighbors in terms of safer traffic patterns.

Fleisher commented that car deliveries would still continue to be from Fisherville Road. There being no further comments Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P82-2006  
KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC. RE-SUBDIVISION  
CONCEPT PLAN/ ZONING BOARD REFERRAL  
TAX PARCELS #58.03-1-56/58.03-1-58**

Resolution by: Younge  
Seconded by: Muir

**WHEREAS**, this Board has received an application from Kent Brown Realty Group and County Route 64, Inc., owners of tax parcels #58.03-1-56 and 58.03-1-58 for re-subdivision approval and a Zoning Referral requesting variance from the Town of Big Flats Zoning Law; and

**WHEREAS**, the property is located at 951 County Route 64 in the Business Regional (BR) district; and

**WHEREAS**, the current parcels are owned separately by Kent Brown Realty Group and County Route 64 Group; and

**WHEREAS**, the applicants propose to merge *Tax Parcels* 58.03-1-56 and 58.03-1-58 into one parcel under the ownership of both Kent Brown Realty Group and County Route 64 Group; and

**WHEREAS** *parcel* # 58.03-1-56 (3.201 acres) presently consists of the existing dealership and drainage swale and *parcel* #58.03-1-58 (0.692 acres) presently consists of a vacant parcel. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 3.893 acres; and

**WHEREAS**, the applicants propose to construct (26) additional impervious parking spaces for vehicle sales in addition to (216) existing parking spaces for a total of (242) parking spaces; and

**WHEREAS**, pursuant to Section 17.48.010(B)(17), the minimum required spaces is one space for each three thousand (3,000) square feet of area devoted to the *use* including outside display areas, equipment and/or sale yards; and

**WHEREAS**, pursuant to Section 17.48.010(C), no use in the town shall be permitted to have more than five parking spaces per one thousand (1,000) square feet of gross floor area; and

**WHEREAS**, the addition of a new driveway entrance will require the closing of the existing driveway entrance to facilitate a shared driveway access to Kent Brown Toyota and the Food Bank (Tax Parcel #58.03-1-52.1) from the construction of a new 4-way signalized entrance to the recently constructed Target; and

**WHEREAS**, the applicant proposes to reduce the area of the existing drainage swale and storm detention basin; and

**WHEREAS**, the Town Supervisor has received a letter dated November 14, 2006 from Murl Sebring, Chemung County Interim Commissioner of Public Works stating the following:

- The County's desire is to create a common access entrance for the Food Bank and Kent Brown Toyota and that the current entrance and driveways create confusion and potential safety problems;
- The completion of this safety project continues to be contingent on the cooperation of both the Food Bank and Kent Brown Toyota;
- The County has concurrence with the Food Bank and expect cooperation by Kent Brown Toyota; and
- The County is prepared to complete the construction in the spring of 2007; and

**WHEREAS**, the above described proposed action will require the following variances:

- **Lot Coverage** – Pursuant to Section 17.16.020 for *Individual General, Business or Industrial Use*, the maximum lot coverage allowed equals 70%. The applicant is requesting lot coverage of 80.9%.
- **Side Yard Setback/Buffer Yard Setback** – The required Buffer Yard is equivalent to the side yard setback of 15 feet pursuant to Section 17.36.200(D)(1). The applicant is requesting a variance of 12 feet on the east side of existing parcel number #58.03-1-58 to allow for parking within the *Buffer Yard* which is in variance to Section 17.36.200(D)(3).
- **Front Yard Setback/Buffer Yard Setback** – The applicant is requesting a variance of 14 feet of the 25 foot front yard setback requirement pursuant to Section 17.16.020 within front yard parallel to County Route 64 of existing parcel number #58.03-1-58 to allow for parking in the front yard setback which is also the buffer yard pursuant to Section 17.36.200. This is in variance to Section 17.36.200(D)(3); and

**WHEREAS**, the adjacent property owners will be notified of this application pursuant to the Rules of the Planning Board; and

**WHEREAS**, this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64; and

**WHEREAS**, that pursuant to Section 17.60.070 this Board *shall* report its recommendation to the Zoning Board of Appeals; and

**NOW, THEREFORE, BE IT RESOLVED**, that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Section 17.60.050 of the Town Municipal Code as it relates to subdivision approval by this board; and

1. Can the benefit be achieved by other means feasible to the applicant?  
This particular parcel faces constraints and it is likely that anyone developing the property would have to request variances.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
The area around the applicant is residential and large expanses of parking lots; therefore, the additional parking spaces would not be detrimental to the character of the neighborhood.
3. Is the request substantial?  
No. It is within 10 percent.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes. However, the benefits to the traffic circulation and safety outweigh the self-created hardship.

**FURTHER RESOLVED** that based on the above findings this Board determines that the granting of the requested variances would be consistent with the planning objectives of the Town Comprehensive Plan and recommends approval of the requests by the Zoning Board of Appeals; and

**FURTHER RESOLVED**, that this Board accepts the documentation in this *application* as a

*Concept Plat* in accordance with Title 16 of the *Town Municipal Code* with the following conditions:

- A Traffic Impact Analysis shall be submitted to the Planning Board;
- A Storm Water Management Plan be submitted to the Planning Board;
- Square footage of the building floor area must be shown on the Site Plan; and
- *Bulk and Density* table showing existing and proposed compliance or noncompliance; and

**FURTHER RESOLVED**, that further action on this application is tabled pending action by the Zoning Board of Appeals.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Muir, Fleisher, Masler, Younge
	<b>NAYS:</b>	Esty
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MARILYN A. BROWN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #76.00-2-68/76.00-2-67**

Fleisher reviewed the preliminary plat and completed the Short Environmental Assessment Form. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P83-2006  
MARILYN A. BROWN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #76.00-2-68/76.00-2-67**

Resolution by: Piersimoni  
Seconded by: Esty

**WHEREAS**, this Board has received an application from Marilyn Ann Brown, owner of tax parcels # 76.00-2-68 and 76.00-2-67, for subdivision approval of 80.9 acre parcel (#76.00-2-68) and re-subdivision of 0.344 acre parcel (#76.00-2-67) as shown on a survey map by Dennis J. Wieland, Licensed Surveyor, Job # 06358, dated August 16, 2006; and

**WHEREAS**, the parcels are located at 55 Rodaha Drive in the Residential Moderate Density (R1) district; and

**WHEREAS**, the applicant proposes to subdivide parcel #76.00-2-68 to create the following:

- Parcel B being 1.465 acres containing vacant land taken from parcel #76.00-2-68;
- Parcel C being 79.4 acres that would remain containing vacant land; and

**WHEREAS**, the applicant proposes to merge Parcel B with Parcel A to create the following:

- Parcel A (existing Tax Parcel 76.00-2-67) being 0.344 acres containing an existing residential use creating one parcel for a total of 1.809 acre parcel; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for a one unit dwelling with no water or sewer in the R1 district is 0.8 acres; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that this Board accepts the documentation in this application as a *Preliminary Plat* in accordance with Title 16 of the Town Municipal Code; and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department;
- Steuben County;
- Town of Corning; and

**FURTHER RESOLVED**, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to Town of Corning and Steuben County pursuant to General Municipal Law 239-nn as this property is located within 500 feet of a municipal boundary; and

**FURTHER RESOLVED**, that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for January 2, 2007 at 6:40 p.m.

**CARRIED:**      **AYES:**              Piersimoni, Esty, Muir, Fleisher, Masler, Younge

**NAYS:**              None

**ABSTAIN:**        None

**ABSENT:**         Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**STEVEN REYNOLDS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #47.00-1-33.1**

Fleisher reviewed the preliminary plat and completed the Short Environmental Assessment Form. Fleisher asked for questions or comments.

Younge questioned why the land was being subdivided. Applicant, Steven Reynolds replied that there is no plan at this time to change the use of the land from agricultural, that he simply wants to split up the land in order to sell it. Harding commented that the action before the Board is a tax map change only and there is currently no other proposal before the Board. There being no further comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P84-2006  
STEVEN REYNOLDS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #47.00-1-33.1**

Resolution by: Esty  
Seconded by: Piersimoni

**WHEREAS**, this Board has received an application from Steven Reynolds, owner of tax parcels # 47.00-1-33.1, for subdivision approval of this 102.695 acre parcel as shown on a survey map by Weiler Associates, Licensed Land Surveyors, Job # 13058.01, dated July 20, 2004; and

**WHEREAS**, the parcels are located at 201 Chambers Road in the Rural Residential (RU) district; and

**WHEREAS**, the applicant proposes to subdivide parcel #47.00-1-33.1 to create the following:

- Parcel A being 39.781 acres containing agricultural land;
- Parcel B being 9.672 acres that would remain agricultural land and an existing vacant residence with two vacant out-building accessory structures;
- Parcel C being 9.577 acres containing agricultural land;
- Parcel D-1 being 5.147 acres containing agricultural land and vacant three out-building accessory structures with a silo; and
- Parcel D-2 being 38.518 acres containing agricultural land; and

**WHEREAS**, the applicant proposes to create the following:

- Combine Parcel A with Parcel B to result in one parcel containing a total of 49.453 acres along the west side of Chambers Road;
- Combine Parcel D-1 and Parcel D-2 to result in one parcel containing a total of 43.665 acres along the east side of Chambers Road; and
- Parcel C is to remain as a single parcel containing 9.577 acres; and

**WHEREAS**, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for *general use* or *residential uses* within the RU district is 3 or 8 acres respectively; and

**WHEREAS**, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that this Board accepts the documentation in this application as a *Preliminary Plat* in accordance with Title 16 of the Town Municipal Code; and

**FURTHER RESOLVED**, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department,
- Chemung County Planning Board; and
- Chemung County Department of Public Works; and

**FURTHER RESOLVED**, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

**FURTHER RESOLVED**, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of Chambers Road; and

**FURTHER RESOLVED**, that a Public Hearing is required for the *Preliminary Plat* of a proposed subdivision and this Board sets a Public Hearing for January 2, 2007 at 6:45 p.m.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Esty, Muir, Fleisher, Masler, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P85-2006**  
**RECOMMENDATION FOR REAPPOINTMENT OF BILL STEWART**  
**AS PLANNING BOARD MEMBER**

Resolution by: Masler  
Seconded by: Piersimoni

**WHEREAS**, the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment to be a member of the Planning Board each new year; and

**WHEREAS** Bill Stewart has been serving as member of the Planning Board and has consented to serve another seven-year term; and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board recommends to the *Town Board* that the *Town Board* reappoint Bill Stewart to be a member of the Planning Board for a seven-year term to expire December 31, 2013.

**CARRIED:**    **AYES:**           Piersimoni, Esty, Muir, Fleisher, Masler, Younge  
                  **NAYS:**           None  
                  **ABSTAIN:**        None  
                  **ABSENT:**         Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P86-2006  
PLANNING BOARD VICE-CHAIRPERSON  
FOR YEAR 2007**

Resolution by: Younge  
Seconded by: Fleisher

**WHEREAS**, Planning Board member Angela Piersimoni has agreed to serve as the Planning Board Vice-Chair for the Year 2007; and

**WHEREAS**, that for environmental review pursuant to 6NYCRR, Part 617.3, that this action is an administrative action, which is a Type II action under SEQRA and no further review is required; and

**NOW, BE IT THEREFORE RESOLVED**, that this Board appoints Angela Piersimoni as Vice-Chair for the Planning Board for the Year 2007.

**CARRIED:**    **AYES:**           Esty, Muir, Fleisher, Masler, Younge  
                  **NAYS:**           None  
                  **ABSTAIN:**        Piersimoni  
                  **ABSENT:**         Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**RESOLUTION P87-2006  
RECOMMENDATION FOR APPOINTMENT OF  
2007 CHAIRMAN OF THE PLANNING BOARD**

Resolution by: Piersimoni  
Seconded by: Masler

**WHEREAS**, the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment by the *Town Board* to be Chairman of the Planning Board each year; and

**WHEREAS**, Mark Fleisher has consented to be reappointed Chairman of the Planning Board; and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board recommends that the *Town Board* reappoint Mark Fleisher to be Chairman of the Planning Board for 2007.

<b>CARRIED:</b>	<b>AYES:</b>	Esty, Muir, Piersimoni, Masler, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	Fleisher
	<b>ABSENT:</b>	Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

#### **RECOMMENDATION FOR PLANNING BOARD RULES AND PROCEDURES REVISION**

Fleisher reviewed the revision to the Planning Board Rules and Procedures and asked for comments or concerns.

Younge asked that the resolution read that special meetings are held as needed instead of during May through August. Fleisher agreed that the construction season wording was misleading. Piersimoni commented that her concern is whether they will have a quorum during the summer months when the Board is meeting every two weeks. Harding commented that historically during the summer months the Board has holding meetings twice a month. Esty commented that every four weeks on a Tuesday should read the first Tuesday of each month.

Esty asked for the history of the Planning Board meeting schedule. Younge explained how some of the changes and decisions had been made, she stated that for the past 10 years the Board has been on a 3 week schedule which was a compromise between members who wanted a 2 week schedule and members who wanted a 4 week schedule.

Muir asked if the intention of special meetings was to continue with agenda items that could not be discussed thoroughly due to time constraints for meetings or if the special meetings would be for new business. Harding commented that the purpose of the special meetings would be to carry over agenda items that could not be discussed due to time limitations for Planning Board meetings; she is advocating ending meeting at 9:30 pm or holding a vote to decide if the Board wants to continue. Younge stated her concern is that the special meeting should not be used to “rush” a project through and only used for follow up to a previous meeting or hold over items.

Fleisher stated that it would be possible for the Planning Board to only meet 12 times in a year. Harding stated she recommends the Board use the special meetings wherever possible, especially with complex projects.

Fleisher asked for a motion to adopt the resolution with amendments.

**RESOLUTION P88-2006  
RECOMMENDATION FOR PLANNING BOARD RULES AND PROCEDURES  
REVISION**

Resolution by: Muir  
Seconded by: Masler

**WHEREAS**, the current duly adopted Planning Board Rules and Procedures are contained in Resolution P14-02; and

**WHEREAS**, Rule Number 3 of said rules states “Regular Meetings of the Board shall be held every *three* weeks on a Tuesday;” and

**WHEREAS**, the Director of Planning by directive of the Town Board has recommended that the Planning Board revise Rule Number 3 and hold regular meetings of the Board the *First Tuesday* of each month and twice-a-month as needed based on the following findings:

- During the Months of January through April and September through December, the number of agenda items has been historically held to four of five items. The number of items on the agenda increases during the Construction Season (May through August).
- NYS Open Meeting Law requirements cannot be lawfully met under the 3-week schedule without subjecting staff to duress; and thereby, risking the Town of Big Flats to procedural challenges;
- SEQR/NEPA requirements cannot be sufficiently met under the three-week schedule whereby, the acceptable rule of procedure is to allow for a 30-day comment period;
- County/Intermunicipal referral requirements cannot be adequately met and allow for a 30-day comment period under the 3-week schedule and allow for adequate due process for either the Town or the applicant;
- The 3-week schedule does not allow for adequate staff review time in order to prepare applications for Planning Board Review; and
- Other alternatives, such as, minor deviations from approved site plan or subdivisions not subject to the full planning board review pursuant to Section 17.32.160 and an Intermunicipal Agreement to expedite County referrals, have not yet been explored to further reduce the number of items on the Planning Board agenda; and

**WHEREAS**, the Director of Planning has issued to the Planning Board both a 3-week schedule and *First Tuesday* of each Month schedule for 2007; and

**WHEREAS**, the Planning Board determines that this action to be a Type II action pursuant to 6NYCRR part 617.5(c)(20) and no further action is required from this Board regarding such; and

**WHEREAS**, a Public Hearing is required pursuant to Town Law of the State of New York Article 16 of Section 272, on the proposed adoption of the revised rules containing said recommendation; and

**NOW, THEREFORE BE IT RESOLVED**, this Board sets the Public Hearing for January 2, 2007 at 6:35 p.m. regarding the proposed Planning Board schedule to go from holding one meeting every three weeks to holding a meeting the *First Tuesday* of each month with additional meetings as needed or otherwise for special meetings of actions of a complex nature; and

**FURTHER RESOLVED**, this Board schedules the next Planning Board meeting on January 2, 2007 consistent with the 3-week schedule until such a time deemed by this Board that the 3-week schedule is necessary to be revised.

<b>CARRIED:</b>	<b>AYES:</b>	Piersimoni, Esty, Muir, Fleisher, Masler, Younge
	<b>NAYS:</b>	None
	<b>ABSTAIN:</b>	None
	<b>ABSENT:</b>	Stewart, Ormiston

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER  
Chairman, Planning Board

**MEMBERS COMMENTS:**

Piersimoni stated she thinks the media should have traffic advisories for changes to traffic patterns so that the public is educated of the changes.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:39P.M.

Dated: Tuesday, December 12, 2006  
BIG FLATS, NEW YORK

Respectfully Submitted

Sheree McGannon  
Deputy Town Clerk